

**FIFTY EIGHTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Tuesday, March 6, 2012

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Pflug, Roach and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages John Kalfreider and Brianna Nasman, presented the Colors. Pastor John Rosenberg of Lutheran Church of the Good Shepherd of Olympia offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 5, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2190,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2799.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Ericksen, Senators Pflug, Roach and Zarelli were excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kline moved that Gubernatorial Appointment No. 9259, Ted Willhite, as a member of the Recreation and Conservation Funding Board, be confirmed.

Senator Kline spoke in favor of the motion.

MOTION

On motion of Senator Ericksen, Senators Baumgartner and Benton were excused.

MOTION

On motion of Senator Harper, Senators Brown, Kilmer and Prentice were excused.

APPOINTMENT OF TED WILLHITE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9259, Ted Willhite as a member of the Recreation and Conservation Funding Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9259, Ted Willhite as a member of the Recreation and Conservation Funding Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator Honeyford

Excused: Senators Pflug, Roach and Zarelli

Gubernatorial Appointment No. 9259, Ted Willhite, having received the constitutional majority was declared confirmed as a member of the Recreation and Conservation Funding Board.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Gubernatorial Appointment No. 9184, Larry Brown, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senator Frockt spoke in favor of the motion.

APPOINTMENT OF LARRY BROWN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9184, Larry Brown as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9184, Larry Brown as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator Baumgartner

Absent: Senator Brown

Excused: Senators Pflug, Roach and Zarelli

Gubernatorial Appointment No. 9184, Larry Brown, having received the constitutional majority was declared confirmed as a

member of the State Board for Community and Technical Colleges.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9188, Jorge Carrasco, as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6, be confirmed.

Senator Prentice spoke in favor of the motion.

MOTION

On motion of Senator Harper, Senator Brown was excused.

APPOINTMENT OF JORGE CARRASCO

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9188, Jorge Carrasco as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9188, Jorge Carrasco as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Brown, Pflug, Roach and Zarelli

Gubernatorial Appointment No. 9188, Jorge Carrasco, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen of the Senate: The President wants to remind members that you do not approach the rostrum or the bar of the Senate until the gavel is actually dropped. We have, at times, people coming in at the last minute asking to call and we really don't want any disruption up here during the time the roll call is being taken. Thank you very much."

MOTION

On motion of Senator Eide, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2190 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Armstrong, Billig and Hargrove)

AN ACT Relating to transportation funding and appropriations; amending RCW 43.19.642, 46.12.630, and 46.44.0915; amending 2011 c 367 ss 101, 103, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, 502, 503, 505, 603, and 608 (uncodified); adding a new section to chapter 47.76 RCW; adding a new section to chapter 72.09 RCW; adding new sections to 2011 c 367 (uncodified); creating new sections; repealing 2011 1st sp.s. c 50 ss 718, 719, 720, and 721 (uncodified); making appropriations and authorizing expenditures for capital improvements; providing effective dates; and declaring an emergency.

ESHB 2799 by House Committee on Education (originally sponsored by Representatives Sullivan, Santos, Maxwell, Darneille, Hunt, Carlyle, Haigh, Pollet and Kenney)

AN ACT Relating to authorizing a five-year pilot project for up to six collaborative schools for innovation and success operated by school districts in partnership with colleges of education; amending RCW 28A.305.140, 28A.655.180, and 28A.657.050; adding new sections to chapter 28A.630 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.660 RCW; creating a new section; and providing an expiration date.

MOTION

On motion of Senator Eide, the rules were suspended and Engrossed Substitute House Bill No. 2190 and Engrossed Substitute House Bill No. 2799 were placed on the second reading calendar under suspension of the rules.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

February 29, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6044 with the following amendment(s): 6044-S AMH MCCO CALL 066

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 54.16 RCW to read as follows:

(1) Notwithstanding any other provision of this chapter to the contrary, a qualifying public utility district may supply any water, if authorized by a previously perfected water right under its control, to be used in a pumped storage generating facility to any entity that sells electric energy or water either directly or indirectly to the public.

(2) To qualify for the authority under this section, the public utility district must have satisfied all of the following requirements prior to the effective date of this act:

(a) Border the Columbia river;

(b) Have obtained a water right from an industrial user; and

(c) Hold a water right for which power generation is an authorized purpose.

(3) Water supplied to an entity under this section must be supplied consistent with a contract that contains the terms and

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conditions deemed appropriate by the commission of the qualifying public utility district. Contracts under this section must be made pursuant to a resolution of the commission that is introduced at a meeting of the commission at least ten days prior to the date of the adoption of the resolution. However, the commission shall first make adequate provision for the needs of the public utility district, both actual and prospective." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6044.

Senator Honeyford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6044.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6044 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6044, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6044, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Pflug and Zarelli

SUBSTITUTE SENATE BILL NO. 6044, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 2, 2012

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5343 with the following amendment(s): 5343-S2 AMH ENGR H4457.E

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 70.94 RCW to read as follows:

(1) A generator operating at an electric generating project with an installed generator capacity of at least seven hundred fifty kilowatts but not exceeding one thousand kilowatts, that is in operation on the effective date of this act and began operating after 2008, and that is located on agricultural lands of long-term commercial significance pursuant to chapter 36.70A RCW, is granted an extended compliance period for permit provisions related

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to the emissions limit for sulfur established by the department or a local air authority until December 31, 2016, if it is fueled by biogas that is produced by an anaerobic digester that qualifies for the solid waste permitting exemption specified in RCW 70.95.330.

(2) A generator that meets the requirements in subsection (1) of this section may not be located in a federally designated nonattainment or maintenance area.

(3) Upon request, the department or a local air authority must provide technical assistance to a generator meeting the requirements in subsection (1) of this section to assist the generator in reducing its emissions in order to meet the requirements in this chapter.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Anaerobic digester" means a vessel that processes organic material into biogas and digestate using microorganisms in a decomposition process within a closed, oxygen-free container.

(b) "Generator" means an internal combustion engine that converts biogas into electricity, and includes any back-up combustion device to burn biogas when an engine is idled for maintenance.

**NEW SECTION. Sec. 2.** (1) By December 1, 2012, the department of ecology must submit a report to the appropriate standing committees of the legislature containing information regarding the degree to which current state air quality regulations consider different feed sources for anaerobic digesters and strategies to address the different feed sources used in anaerobic digesters. The department of ecology must consult with interested parties in drafting the report.

(2) The definitions in section 1(4) of this act apply throughout this section.

**NEW SECTION. Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2012, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Hatfield moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5343.

Senator Hatfield spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hatfield that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5343.

The motion by Senator Hatfield carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5343 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5343, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5343, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline,

Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Fraser and Frockt

Excused: Senators Pflug and Zarelli

SECOND SUBSTITUTE SENATE BILL NO. 5343, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 2, 2012

MR. PRESIDENT:

The House passed SENATE BILL NO. 6082 with the following amendment(s): 6082 AMH ENGR H4355.E

On page 2, beginning on line 9, after "(3)" strike all material through "RCW." on line 36 and insert "By December 31, 2013, the department of ecology shall conduct rulemaking to review and consider whether the current environmental checklist form in WAC 197-11-960 ensures consideration of potential impacts to agricultural lands of long-term commercial significance, as that term is used in chapter 36.70A RCW. The review and update shall ensure that the checklist is adequate to allow for consideration of impacts on adjacent agricultural properties, drainage patterns, agricultural soils, and normal agricultural operations." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Hatfield moved that the Senate concur in the House amendment(s) to Senate Bill No. 6082.

Senator Hatfield spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hatfield that the Senate concur in the House amendment(s) to Senate Bill No. 6082.

The motion by Senator Hatfield carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6082 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6082, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6082, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Honeyford, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Carrell, Delvin, Ericksen, Hewitt, Hill, Holmquist Newbry, King, Padden, Roach and Stevens

Excused: Senators Pflug and Zarelli

SENATE BILL NO. 6082, as amended by the House, having received the constitutional majority, was declared passed. There

being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 1, 2012

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6103 with the following amendment(s): 6103-S.E AMH HCW H4364.4

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that protecting the public health and safety from the harms of human trafficking has become more difficult and complex, with severe consequences for the victims and the public. The purpose of this legislation is to provide additional tools so that the regulatory agency has authority to make reasonable inspections of the premises in which services subject to this chapter are being provided in order to determine whether the services are being provided in compliance with this chapter and to support state investigations of human trafficking and other illicit activity.

Sec. 2. RCW 18.108.005 and 1997 c 297 s 1 are each amended to read as follows:

(1) The legislature finds it necessary to license the practice of massage and massage therapy and certify persons practicing reflexology in order to protect the public health and safety. It is the legislature's intent that only individuals who meet and maintain minimum standards of competence and conduct may provide services to the public.

(2) This chapter shall not be construed to:

(a) Require ~~((or prohibit))~~ individual or group policies or contracts of ~~((an insurance carrier, health care service contractor, or health maintenance organization))~~ a health carrier to provide, or prohibit such policies or contracts from providing, benefits or coverage for services and supplies provided by a person licensed under this chapter; or

(b) Require that a health carrier contract with a person certified under this chapter.

Sec. 3. RCW 18.108.010 and 2007 c 272 s 1 are each amended to read as follows:

In this chapter, unless the context otherwise requires, the following meanings shall apply:

(1) "Board" means the Washington state board of massage.

(2) "Massage" and "massage therapy" mean a health care service involving the external manipulation or pressure of soft tissue for therapeutic purposes. Massage therapy includes techniques such as tapping, compressions, friction, reflexology, Swedish gymnastics or movements, gliding, kneading, shaking, and fascial or connective tissue stretching, with or without the aids of superficial heat, cold, water, lubricants, or salts. Massage therapy does not include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force, nor does it include genital manipulation.

(3) "Massage practitioner" means an individual licensed under this chapter.

(4) "Secretary" means the secretary of health or the secretary's designee.

(5) "Massage business" means the operation of a business where massages are given.

(6) "Animal massage practitioner" means an individual with a license to practice massage therapy in this state with additional training in animal therapy.

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(7) "Intraoral massage" means the manipulation or pressure of soft tissue inside the mouth or oral cavity for therapeutic purposes.

(8) "Health carrier" means the same as the definition in RCW 48.43.005.

(9) "Certified reflexologist" means an individual who is certified under this chapter.

(10) "Reflexology" means a health care service that is limited to applying alternating pressure with thumb and finger techniques to reflexive areas of the lower one-third of the extremities, feet, hands, and outer ears based on reflex maps. Reflexology does not include the diagnosis of or treatment for specific diseases, or joint manipulations.

(11) "Reflexology business" means the operation of a business where reflexology services are provided.

**Sec. 4.** RCW 18.108.025 and 2008 c 25 s 1 are each amended to read as follows:

(1) In addition to any other authority provided by law, the board of massage may:

((1)) (a) Adopt rules in accordance with chapter 34.05 RCW necessary to implement massage practitioner licensure under this chapter, subject to the approval of the secretary;

((2)) (b) Define, evaluate, approve, and designate those massage schools, massage programs, and massage apprenticeship programs including all current and proposed curriculum, faculty, and health, sanitation, and facility standards from which graduation will be accepted as proof of an applicant's eligibility to take the massage licensing examination;

((3)) (c) Review approved massage schools and programs periodically;

((4)) (d) Prepare, grade, administer, and supervise the grading and administration of, examinations for applicants for massage licensure;

((5)) (e) Establish and administer requirements for continuing education, which shall be a prerequisite to renewing a massage practitioner license under this chapter; and

((6)) (f) Determine which states have educational and licensing requirements for massage practitioners equivalent to those of this state.

(2) The board shall establish by rule the standards and procedures for approving courses of study in massage therapy and may contract with individuals or organizations having expertise in the profession or in education to assist in evaluating courses of study. The standards and procedures set shall apply equally to schools and training within the United States of America and those in foreign jurisdictions.

**Sec. 5.** RCW 18.108.030 and 1995 c 198 s 15 are each amended to read as follows:

(1)(a) No person may practice or represent himself or herself as a massage practitioner without first applying for and receiving from the department a license to practice. However, this subsection does not prohibit a certified reflexologist from practicing reflexology.

((2)) (b) A person represents himself or herself as a massage practitioner when the person adopts or uses any title or any description of services that incorporates one or more of the following terms or designations: Massage, massage practitioner, massage therapist, massage therapy, therapeutic massage, massage technician, massage technology, massagist, masseur, masseuse, myotherapist or myotherapy, touch therapist, reflexologist except when used by a certified reflexologist, acupressurist, body therapy or body therapist, or any derivation of those terms that implies a massage technique or method.

(2)(a) No person may practice reflexology or represent himself or herself as a reflexologist by use of any title without first being certified as a reflexologist or licensed as a massage practitioner by the department.

(b) A person represents himself or herself as a reflexologist when the person adopts or uses any title in any description of services that incorporates one or more of the following terms or designations: Reflexologist, reflexology, foot pressure therapy, foot reflex therapy, or any derivation of those terms that implies a reflexology technique or method. However, this subsection does not prohibit a licensed massage practitioner from using any of these terms as a description of services.

(c) A person may not use the term "certified reflexologist" without first being certified by the department.

**Sec. 6.** RCW 18.108.040 and 2011 c 223 s 1 are each amended to read as follows:

(1)(a) It shall be unlawful to advertise the practice of massage using the term massage or any other term that implies a massage technique or method in any public or private publication or communication by a person not licensed by the secretary as a massage practitioner. However, this subsection does not prohibit a certified reflexologist from using the term reflexology or derivations of the term, subject to subsection (2)(b) of this section.

((2)) (b) Any person who holds a license to practice as a massage practitioner in this state may use the title "licensed massage practitioner" and the abbreviation "L.M.P.". No other persons may assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate that the person using the title is a licensed massage practitioner.

((3)) (c) A massage practitioner's name and license number must conspicuously appear on all of the massage practitioner's advertisements.

(2)(a) It is unlawful to advertise the practice of reflexology or use any other term that implies reflexology technique or method in any public or private publication or communication by a person not certified by the secretary as a reflexologist or licensed as a massage practitioner.

(b) A person certified as a reflexologist may not adopt or use any title or description of services, including for purposes of advertising, that incorporates one or more of the following terms or designations: Massage, masseuse, massager, massagist, masseur, myotherapist or myotherapy, touch therapist, body therapy or therapist, or any derivation of those terms that implies a massage technique or therapy unless the person is also licensed under this chapter as a massage practitioner.

(c) A reflexologist's name and certification number must conspicuously appear on all of the reflexologist's advertisements.

**Sec. 7.** RCW 18.108.045 and 2011 c 223 s 2 are each amended to read as follows:

A massage practitioner licensed under this chapter or a reflexologist certified under this chapter must conspicuously display his or her ~~(license)~~ credential in his or her principal place of business. If the licensed massage practitioner or certified reflexologist does not have a principal place of business or conducts business in any other location, he or she must have a copy of his or her ~~(license)~~ credential available for inspection while performing ~~(any activities related to massage therapy)~~ services within his or her authorized scope of practice.

**Sec. 8.** RCW 18.108.050 and 2002 c 277 s 2 are each amended to read as follows:

This chapter does not apply to:

(1) An individual giving massage or reflexology to members of his or her immediate family;

(2) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state and who are performing services within their authorized scope of practice;

(3) Massage or reflexology practiced at the athletic department of;

(a) Any institution maintained by the public funds of the state, or any of its political subdivisions;

~~((4))~~ ~~Message practiced at the athletic department of)~~ (b) Any primary or secondary school or institution of higher education;

(c) Any school or college approved by the department of health by rule using recognized national professional standards; or

(d) Any nonprofit organization licensed under RCW 66.24.400 and 66.24.450;

~~((5))~~ (4) Students enrolled in an approved massage school, approved program, or approved apprenticeship program, practicing massage techniques, incidental to the massage school or program and supervised by the approved school or program. Students must identify themselves as a student when performing massage services on members of the public. Students may not be compensated for the massage services they provide;

~~((6))~~ (5) Students enrolled in an approved reflexology school, approved program, or approved apprenticeship program, practicing reflexology techniques, incidental to the reflexologist school or program and supervised by the approved school or program. Students must identify themselves as a student when performing reflexology services on members of the public. Students may not be compensated for the reflexology services they provide; or

(6) Individuals who have completed a somatic education training program approved by the secretary;

~~(7) Persons who limit their practice to reflexology. For purposes of this chapter, the practice of reflexology is limited to the hands, feet, and outer ears. The services provided by those who limit their practice to reflexology are not designated or implied to be massage or massage therapy).~~

**Sec. 9.** RCW 18.108.060 and 1996 c 191 s 81 are each amended to read as follows:

Each applicant and license or certificate holder shall comply with administrative procedures, administrative requirements, and fees set by the secretary under RCW 43.70.250 and 43.70.280.

**Sec. 10.** RCW 18.108.070 and 1991 c 3 s 257 are each amended to read as follows:

(1) The secretary shall issue a massage practitioner's license to an applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

~~((1))~~ (a) Effective June 1, 1988, successful completion of a course of study in an approved massage program or approved apprenticeship program;

~~((2))~~ (b) Successful completion of an examination administered or approved by the board; and

~~((3))~~ (c) Be eighteen years of age or older.

~~(In addition, applicants shall be subject to the grounds for denial or issuance of a conditional license under chapter 18.130 RCW.)~~

(2) Beginning July 1, 2013, the secretary shall issue a reflexologist certification to an applicant who completes an application form that identifies the name and address of the applicant and the certification request, and demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Successful completion of a course of study in reflexologist program approved by the secretary;

(b) Successful completion of an examination administered or approved by the secretary; and

(c) Be eighteen years of age or older.

(3) Applicants for a massage practitioner's license or for certification as a reflexologist shall be subject to the grounds for denial or issuance of a conditional credential under chapter 18.130 RCW.

(4) The secretary may require any information and documentation that reasonably relates to the need to determine whether the massage practitioner or reflexologist applicant meets the criteria for licensure provided for in this chapter and chapter

18.130 RCW. The secretary shall establish by rule what constitutes adequate proof of meeting the criteria. ~~((The board shall give an appropriate alternate form of examination for persons who cannot read or speak English to determine equivalent competency.))~~

**Sec. 11.** RCW 18.108.073 and 1995 c 198 s 17 are each amended to read as follows:

(1) ~~((The date and location of the examination shall be established by the secretary.))~~ Applicants ~~((who))~~ for the massage practitioner license examination must demonstrate to the secretary's satisfaction that the following requirements have been met ~~((shall be scheduled for the next examination following the filing of the application))~~:

(a)(i) Effective June 1, 1988, successful completion of a course of study in an approved massage program; or

~~((b))~~ (ii) Effective June 1, 1988, successful completion of an apprenticeship program established by the board; and

~~((c))~~ (b) Be eighteen years of age or older.

~~(In addition, the secretary shall establish a deadline for receipt of completed and approved applications.)~~

(2) The board or its designee shall examine each massage practitioner applicant in a written examination determined most effective on subjects appropriate to the massage scope of practice. The subjects may include anatomy, kinesiology, physiology, pathology, principles of human behavior, massage theory and practice, hydrotherapy, hygiene, first aid, Washington law pertaining to the practice of massage, and such other subjects as the board may deem useful to test applicant's fitness to practice massage therapy. Such examinations shall be limited in purpose to determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) All records of a massage practitioner candidate's performance shall be preserved for a period of not less than one year after the board has made and published decisions thereupon. All examinations shall be conducted by the board under fair and impartial methods as determined by the secretary.

(4) ~~((A))~~ A massage practitioner applicant who fails to make the required grade in the first examination is entitled to take up to two additional examinations upon the payment of a fee for each subsequent examination determined by the secretary as provided in RCW 43.70.250. Upon failure of three examinations, the secretary may invalidate the original application and require such remedial education as is required by the board before admission to future examinations.

(5) The board may approve an examination prepared or administered, or both, by a private testing agency or association of licensing boards for use by ~~((an))~~ a massage practitioner applicant in meeting the licensing requirement.

**NEW SECTION. Sec. 12.** A new section is added to chapter 18.108 RCW to read as follows:

(1) Beginning July 1, 2013, applicants for the reflexology certification examination must demonstrate to the secretary's satisfaction that the following requirements have been met:

(a)(i) Successful completion of a course of study in an approved reflexology program; or

(ii) Successful completion of an apprenticeship program approved by the secretary; and

(b) Be eighteen years of age or older.

(2) The secretary or his or her designee shall examine each reflexology applicant in a written examination determined most effective on subjects appropriate to the reflexology scope of practice. The subjects may include those that the secretary deems useful to test applicant's fitness to practice reflexology. Such examinations shall be limited in purpose to determining whether the applicant possesses the minimum skill and knowledge necessary to practice reflexology competently.

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(3) All records of a reflexology candidate's performance shall be preserved for a period of not less than one year after the secretary has made and published decisions thereupon. All examinations shall be conducted under fair and impartial methods as determined by the secretary.

(4) A reflexology applicant who fails to make the required grade in the first examination is entitled to take up to two additional examinations upon the payment of a fee for each subsequent examination determined by the secretary as provided in RCW 43.70.250. Upon failure of three examinations, the secretary may invalidate the original application and require such remedial education as is required by the secretary before admission to future examinations.

(5) The secretary may approve an examination prepared or administered, or both, by a private testing agency or association of licensing boards for use by a reflexology applicant in meeting the certification requirement.

**Sec. 13.** RCW 18.108.095 and 1987 c 443 s 12 are each amended to read as follows:

~~((Am))~~ A massage practitioner applicant holding a license in another state or foreign jurisdiction may be granted a Washington license without examination, if, in the opinion of the board, the other state's or foreign jurisdiction's examination and educational requirements are substantially equivalent to Washington's ~~(= PROVIDED, That))~~. However, the applicant must demonstrate ~~(s))~~ to the satisfaction of the board a working knowledge of Washington law pertaining to the practice of massage. The applicant shall provide proof in a manner approved by the department that the examination and requirements are equivalent to Washington's.

**Sec. 14.** RCW 18.108.085 and 1996 c 154 s 1 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW necessary to implement this chapter;

(b) Set all license, certification, examination, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Issue a massage practitioner's license to any applicant who has met the education, training, and examination requirements for licensure and deny licensure to applicants who do not meet the requirements of this chapter; ((and))

(e) Issue a reflexology certification to any applicant who has met the requirements for certification and deny certification to applicants who do not meet the requirements of this chapter; and

(f) Hire clerical, administrative, and investigative staff as necessary to implement this chapter ~~((, and hire individuals licensed under this chapter to serve as examiners for any practical examinations))~~.

(2) The Uniform Disciplinary Act, chapter 18.130 RCW, governs unlicensed and uncertified practice, the issuance and denial of licenses and certifications, and the disciplining of persons under this chapter. The secretary shall be the disciplining authority under this chapter.

(3) Any license or certification issued under this chapter to a person who is or has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances shall automatically be revoked by the secretary upon receipt of a certified copy of the court documents reflecting such conviction. No further hearing or procedure is required, and the secretary has no discretion with regard to the revocation of the license or certification. The revocation shall be effective even though such conviction may be under appeal, or the time period for such appeal

has not elapsed. However, upon presentation of a final appellate decision overturning such conviction, the license or certification shall be reinstated, unless grounds for disciplinary action have been found under chapter 18.130 RCW. No license or certification may be granted under this chapter to any person who has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances within the eight years immediately preceding the date of application. For purposes of this subsection, "convicted" does not include a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence, but does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(4) The secretary shall keep an official record of all proceedings under this chapter, a part of which record shall consist of a register of all applicants for licensure or certification under this chapter, with the result of each application.

**NEW SECTION. Sec. 15.** A new section is added to chapter 18.108 RCW to read as follows:

(1) The secretary may certify an applicant as a reflexologist without examination if the applicant:

(a) Has practiced reflexology as a licensed massage practitioner for at least five years prior to the effective date of this section or provides evidence satisfactory to the secretary that he or she has, prior to the effective date of this section, successfully completed a course of study in a reflexology program approved by the secretary; and

(b) Applies for certification by one year after the effective date of this section.

(2) An applicant holding a reflexology credential in another state or a territory of the United States may be certified to practice in this state without examination if the secretary determines that the other jurisdiction's credentialing standards are substantially equivalent to the standards in this state.

**NEW SECTION. Sec. 16.** A new section is added to chapter 18.108 RCW to read as follows:

(1) For the purposes of ascertaining violations of this chapter and chapter 18.130 RCW, the secretary or authorized representative has the authority to inspect, within reasonable limits and in a reasonable manner, the premises of any massage or reflexology business establishment during hours such business is open. If the secretary is denied access to any premises or establishment the secretary may apply to any court of competent jurisdiction for a warrant authorizing access to such premises or establishment for such purposes. The court may, upon such application, issue a warrant for the purpose requested.

(2) This section does not require advance notice of an inspection.

**NEW SECTION. Sec. 17.** The following acts or parts of acts are each repealed:

(1) RCW 18.108.076 (Application of uniform disciplinary act) and 1987 c 150 s 60 & 1986 c 259 s 146; and

(2) RCW 18.108.130 (Exemptions) and 1975 1st ex.s. c 280 s 14.

**Sec. 18.** RCW 18.120.020 and 2010 c 286 s 14 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an

individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dispensing opticians under chapter 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners licensed under chapter 18.89 RCW; veterinarians and veterinary technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; East Asian medicine practitioners licensed under chapter 18.06 RCW; persons registered under chapter 18.19 RCW; persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; ~~(and)~~ nursing assistants registered or certified under chapter 18.88A RCW; and reflexologists certified under chapter 18.108 RCW.

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never

has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

**Sec. 19.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage ~~((operators))~~ practitioners and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) East Asian medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates--advanced, and social work associates--independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified under chapter 18.88A RCW;

(xiii) Health care assistants certified under chapter 18.135 RCW;

(xiv) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xv) Chemical dependency professionals and chemical dependency professional trainees certified under chapter 18.205 RCW;

(xvi) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xviii) Denturists licensed under chapter 18.30 RCW;

(xix) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xx) Surgical technologists registered under chapter 18.215 RCW;

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(xxi) Recreational therapists (~~(under chapter 18.230 RCW))~~  
under chapter 18.230 RCW;

(xxii) Animal massage practitioners certified under chapter 18.240 RCW;

(xxiii) Athletic trainers licensed under chapter 18.250 RCW;

(xxiv) Home care aides certified under chapter 18.88B RCW;  
~~((and))~~

(xxv) Genetic counselors licensed under chapter 18.290 RCW;  
and

(xxvi) Reflexologists certified under chapter 18.108 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW; and

(xv) The board of naturopathy established in chapter 18.36A RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

**NEW SECTION. Sec. 20.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 21.** The department of health shall adopt any rules necessary to implement this act.

**NEW SECTION. Sec. 22.** Sections 1 through 19 of this act take effect July 1, 2013."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6103.

Senators Keiser and Becker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6103.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6103 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6103, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6103, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Shin, Swecker and Tom

Voting nay: Senators Carrell, Ericksen, Hatfield, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Sheldon and Stevens

Excused: Senators Pflug and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6103, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2373, by House Committee on Ways & Means (originally sponsored by Representatives Van De Wege and Tharinger)

Concerning the state's management of its recreational resources.

The measure was read the second time.

MOTION

Senator Ericksen moved that the following amendment by Senators Ericksen, Delvin and Hatfield be adopted:

Beginning on page 19, line 1, strike all of sections 19 through 21 Renummer the remaining section consecutively and correct any internal references accordingly.

On page 1, line 4 of the title, after "46.17.375," strike all material through "35.101.100" and insert "and 79A.05.065" and on line 6 of

the title, after "RCW;" strike "adding a new section to chapter 82.32 RCW;"

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Ericksen, the amendment by Senators Ericksen, Delvin and Hatfield on page 19, line 1 to Engrossed Second Substitute House Bill No. 2373 was withdrawn.

#### MOTION

Senator Ranker moved that the following striking amendment by Senators Ranker and Schoesler be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.80.010 and 2011 c 320 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" or "agencies" means the department of fish and wildlife, the department of natural resources, and the parks and recreation commission.

(2) "Annual natural investment permit" means the annual permit issued by the parks and recreation commission for the purpose of launching boats from the designated state parks boat launch sites.

(3) "Camper registration" means proof of payment of a camping fee on recreational lands managed by the parks and recreation commission.

(4) "Day-use permit" means the permit created in RCW 79A.80.030.

(5) "Discover pass" means the annual pass created in RCW 79A.80.020.

(6) "Motor vehicle" has the same meaning as defined in RCW 46.04.320 and which are required to be registered under chapter 46.16A RCW. "Motor vehicle" does not include those motor vehicles exempt from registration under RCW 46.16A.080 and state and publicly owned motor vehicles as provided in RCW 46.16A.170.

(7) "Recreation site or lands" means a state park ~~((or)), state lands and state forest lands as those terms are defined in RCW 79.02.010, natural resources conservation areas as that term is defined in RCW 79.71.030, natural area preserves as that term is defined in RCW 79.70.020, and fish and wildlife conservation sites including water access areas, boat ramps, wildlife areas, parking areas, roads, and trailheads~~~~((or department of natural resources developed or designated recreation areas, sites, trailheads, and parking areas)).~~

(8) "Sno-park seasonal permit" means the seasonal permit issued by the parks and recreation commission for providing access to winter recreational facilities for the period of November 1st through March 31st.

(9) "Vehicle access pass" means the pass created in RCW 79A.80.040.

**Sec. 2.** RCW 79A.80.020 and 2011 c 320 s 3 are each amended to read as follows:

(1) Except as otherwise provided in RCW 79A.80.050, 79A.80.060, and 79A.80.070, a discover pass is required for any motor vehicle to park or operate on any recreation site or lands, except for short-term parking as may be authorized under RCW 79A.80.070.

(2) The cost of ~~((the))~~ a discover pass is thirty dollars ~~((per motor vehicle))~~. Every four years the office of financial management must review the cost of the discover pass and, if necessary, recommend to the legislature an adjustment to the cost of the discover pass to account for inflation.

~~(3) ((The))~~ A discover pass is valid for one year ~~((from the date of issuance))~~ beginning from the date that the discover pass is marked for activation. The activation date may differ from the purchase date pursuant to any policies developed by the agencies.

~~(4) ((The discover pass must be made available for purchase throughout the year through the department of fish and wildlife's automated licensing system consistent with RCW 77.32.050.~~

~~(5) ((The))~~ Sales of discover ~~((pass))~~ passes must be ~~((made available for purchase through the department of licensing as provided in RCW 46.16A.090. The department of licensing, county auditor, or other agent or subagent appointed by the director, is not responsible for delivering a purchased discover pass to a motor vehicle owner. The agencies must deliver the purchased discover pass to a motor vehicle owner.~~

~~(6) The state parks and recreation commission may make the discover pass available for purchase through its reservation system and other outlets authorized by law to sell licenses, permits, or passes))~~ consistent with section 4 of this act.

~~((7))~~ (5) The discover pass must contain space for ~~((the))~~ two motor vehicle license plate numbers. A discover pass is valid only for those vehicle license plate numbers written on the pass. However, the agencies may offer for sale a family discover pass that is fully transferable among vehicles and does not require the placement of a license plate number on the pass to be valid. The agencies must collectively set a price for the sale of a family discover pass that is no more than fifty dollars. A discover pass is valid only for use with one motor vehicle at any one time.

~~((8) A))~~ (6) One complimentary discover pass must be provided to a volunteer who performed twenty-four hours of service on agency- sanctioned volunteer projects in a year. The agency must provide vouchers to volunteers identifying the number of volunteer hours they have provided for each project. The vouchers may be brought to an agency to be redeemed for a discover pass.

**Sec. 3.** RCW 79A.80.030 and 2011 c 320 s 4 are each amended to read as follows:

(1) A person may purchase a day-use permit to meet the requirements of RCW 79A.80.080. ~~((The))~~ A day-use permit is ten dollars per day and must be available for purchase from each agency. ~~((The))~~ A day-use permit is valid for one calendar day.

(2) The agencies may provide short-term parking under RCW 79A.80.070 where ~~((the))~~ a day-use permit is not required.

(3) Every four years the office of financial management must review the cost of the day-use permit and, if necessary, recommend to the legislature an adjustment to the cost of the day-use permit to account for inflation.

(4) Sales of day-use permits must be consistent with section 4 of this act.

NEW SECTION. **Sec. 4.** A new section is added to chapter 79A.80 RCW to read as follows:

(1) Discover passes and day-use permits may be made available for purchase:

(a) Through vendors under contract with one or more of the agencies. The agencies may provide vendors with discover passes and day-use permits at the sales price established under RCW 79A.80.020 and 79A.80.030 to sell at retail;

(b) Directly from the state parks and recreation commission, both through that agency's parks reservation system, directly from agency employees or volunteers at staffed state parks, or as otherwise provided in RCW 79A.05.070;

(c) From the department of licensing as provided in RCW 46.16A.090 and section 11 of this act;

(d) From other outlets authorized by law to sell state licenses, permits, or passes; and

(e) Consistent with RCW 77.32.050, through the department of fish and wildlife's automated licensing system.

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(2) The agencies must maintain a policy to address conditions related to return, replacements, and for providing the full year of recreational lands access that the discover pass provides to individuals who are required by the department of licensing to change license plate numbers during the effective dates of a discover pass tied to the affected vehicle.

(3) For discover passes and day-use permits purchased through the department of licensing, county auditors, or other agents or subagents appointed by the director of the department of licensing, the selling entity is not responsible for delivering the purchased discover pass to the purchaser. The responsibility for delivering the discover pass belongs to the agencies.

**Sec. 5.** RCW 79A.80.040 and 2011 c 320 s 5 are each amended to read as follows:

(1) The vehicle access pass is created solely for access to the department of fish and wildlife recreation sites or lands. The vehicle access pass is only available to a person who purchases a current valid: Big game hunting license issued under RCW 77.32.450; small game hunting license issued under RCW 77.32.460; western Washington pheasant permit issued under RCW 77.32.575; trapping license issued under RCW 77.65.450; watchable wildlife decal issued under RCW 77.32.560; or combination, saltwater, or freshwater personal use fishing license issued under RCW 77.32.470.

(2) One vehicle access pass must be issued per purchase pursuant to subsection (1) of this section.

(3) The vehicle access pass is valid for the license year of the license it is purchased with.

(4) The vehicle access pass must contain space for two motor vehicle license plate numbers. A vehicle access pass is only valid for those vehicle license plate numbers written on the pass.

**Sec. 6.** RCW 79A.80.050 and 2011 c 320 s 6 are each amended to read as follows:

(1) ~~(The)~~ A discover pass or ~~(the)~~ a day-use permit are not required within a state park for persons who have a valid camper registration, or annual natural investment permit, issued by the state parks and recreation commission.

(2) The state parks and recreation commission ~~(may)~~ must provide up to twelve days a year where entry to ~~(the)~~ state parks is free. At least three of those days must be on weekends. When practicable, the free access days should be timed to correspond with any similar free access days planned by the national park service for national parks located in the general region of high volume state parks.

**Sec. 7.** RCW 79A.80.080 and 2011 c 320 s 9 are each amended to read as follows:

(1) ~~(The)~~ A discover pass, ~~(the)~~ vehicle access pass, or ~~(the)~~ day-use permit must be visibly displayed in the front windshield of any motor vehicle or otherwise in a prominent location for vehicles without a windshield:

- (a) Operating on a recreation site or lands; or
- (b) Parking at a recreation site or lands.

(2) The discover pass, the vehicle access pass, or the day-use permit is not required on private lands, state-owned aquatic lands other than water access areas, or at agency offices, hatcheries, or other facilities where public business is conducted.

~~(3)~~ ~~(a)~~ The discover pass, the vehicle access pass, or the day-use permit is not required for:

(a) Persons who use, possess, or enter lands owned or managed by the agencies for nonrecreational purposes consistent with a written authorization from the agency, including but not limited to leases, contracts, and easements(-

- ~~(b) The discover pass or the day-use permit is not required); or~~
- (b) On department of fish and wildlife lands only, for persons

possessing a current vehicle access pass pursuant to RCW 79A.80.040.

(4)(a) An agency may waive the requirements of this section for any person who has secured the ability to access specific recreational land through the provision of monetary consideration to the agency or for any person attending an event or function that required the provision of monetary compensation to the agency.

(b) Special events and group activities are core recreational activities and major public service opportunities within state parks. When waiving the requirements of this section for special events, the state parks and recreation commission must consider the direct and indirect costs and benefits to the state, local market rental rates, the public service functions of the event sponsor, and other public interest factors when setting appropriate fees for each event or activity.

(5) Failure to comply with subsection (1) of this section is a natural resource infraction under chapter 7.84 RCW. An agency is authorized to issue a notice of infraction to any person who fails to comply with subsection (1)(a) of this section or to any motor vehicle that fails to comply with subsection (1)(b) of this section.

~~((5))~~ (6) The penalty for failure to comply with the requirements of this section is ninety-nine dollars. This penalty ~~((is))~~ must be reduced to fifty-nine dollars if an individual provides proof of purchase of ~~(the)~~ a discover pass to the court within fifteen days after the issuance of the notice of violation.

**Sec. 8.** RCW 79A.05.070 and 2011 c 320 s 24 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group ~~(shall)~~ must agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge ~~(such)~~ fees for services, utilities, and use of facilities as the commission shall deem proper. The commission may utilize unstaffed collection stations to collect any fees or distribute any permits necessary for access to state parks, including discover passes and day-use permits as those terms are defined in RCW 79A.80.010;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed forty years;

(8) Determine the qualifications of and employ a director of parks and recreation who ~~((shall))~~ must receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) ~~((Without being limited to the powers hereinbefore enumerated, the commission shall have))~~ Utilize such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter ~~((PROVIDED, That))~~. However, the commission ~~((shall))~~ does not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

**Sec. 9.** RCW 46.16A.090 and 2011 c 320 s 12 are each amended to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director ~~((shall))~~ must provide an opportunity for a vehicle owner to make a voluntary donation as provided in this section when applying for an initial or renewal vehicle registration.

(2)(a) A vehicle owner who registers a vehicle under this chapter may donate one dollar or more to the organ and tissue donation awareness account to promote the donation of organs and tissues under the uniform anatomical gift act as described in chapter 68.64 RCW. The donation of one or more dollars is voluntary and may be refused by the vehicle owner.

(b) The department, county auditor or other agent, or subagent appointed by the director ~~((shall))~~ must:

(i) Ask a vehicle owner applying for a vehicle registration if the owner would like to donate one dollar or more;

(ii) Inform a vehicle owner of the option for organ and tissue donations as required under RCW 46.20.113; and

(iii) Make information booklets or other informational material available regarding the importance of organ and tissue donations to vehicle owners.

(c) All reasonable costs associated with the creation of the donation program created under this section must be paid proportionally or by another agreement by a participating Washington state organ procurement organization established for organ and tissue donation awareness purposes by the Washington state organ procurement organizations. For the purposes of this section, "reasonable costs" and "Washington state organ procurement organization" have the same meaning as in RCW 68.64.010.

(3) The department shall collect from a vehicle owner who pays a vehicle license fee under RCW 46.17.350(1) (a), (d), (e), (g), (h), (j), (n), (o), or (q) or who registers a vehicle under RCW 46.16A.455 with a declared gross weight of ten thousand pounds or less a voluntary donation of five dollars. The donation may not be collected from any vehicle owner actively opting not to participate in the donation program. The department ~~((shall))~~ must ensure that the opt-out donation under this section is clear, visible, and prominently displayed in both paper and online vehicle registration renewals. Notification of intent to not participate in the donation program must be provided annually at the time of vehicle registration renewal. The donation must be deposited in the state parks renewal and stewardship account established in RCW 79A.05.215 to be used for the operation and maintenance of state parks.

(4) ~~((Beginning with vehicle license fees that are due or will become due on or after October 1, 2011,))~~ A vehicle owner who registers a vehicle under this chapter may purchase a discover pass

for ~~((a fee of thirty dollars, as may be adjusted for inflation under))~~ the price amount established in RCW 79A.80.020. Purchase of ~~((the))~~ a discover pass is voluntary by the vehicle owner. The discover pass fee must be deposited in the recreation access pass account created in RCW 79A.80.090. The department, county auditor, or other agent or subagent appointed by the director is not responsible for delivering a purchased discover pass to a motor vehicle owner. The agencies, as defined in RCW 79A.80.010, must deliver the purchased discover pass to a motor vehicle owner.

**Sec. 10.** RCW 46.01.140 and 2011 c 171 s 11 are each amended to read as follows:

(1) **County auditor/agent duties.** A county auditor or other agent appointed by the director ~~((shall))~~ must:

(a) Enter into a standard contract provided by the director;

(b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the director including, but not limited to:

(i) Processing reports of sale;

(ii) Processing transitional ownership transactions;

(iii) Processing mail-in vehicle registration renewals until directed otherwise by legislative authority;

(iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;

(v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and

(vi) Collecting fees and taxes as required;

(c) If authorized by the director, offer for sale discover passes as provided in chapter 79A.80 RCW.

(2) **County auditor/agent assistants and subagents.** A county auditor or other agent appointed by the director may, with approval of the director:

(a) Appoint assistants as special deputies to accept applications for vehicle certificates of title and to issue vehicle registrations; and

(b) Recommend and request that the director appoint subagencies within the county to accept applications for vehicle certificates of title and vehicle registration application issuance.

(3) **Appointing subagents.** A county auditor or other agent appointed by the director who requests a subagency ~~((shall))~~ must, with approval of the director:

(a) Use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants; and

(b) Submit all proposals to the director with a recommendation for appointment of one or more subagents who have applied through the open competitive process. If a qualified successor who is an existing subagent's sibling, spouse, or child, or a subagency employee has applied, the county auditor ~~((shall))~~ must provide the name of the qualified successor and the name of one other applicant who is qualified and was chosen through the open competitive process.

(4) **Subagent duties.** A subagent appointed by the director ~~((shall))~~ must:

(a) Enter into a standard contract with the county auditor or agent provided by the director; ~~((and))~~

(b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the county auditor or agent and the director including, but not limited to:

(i) Processing reports of sale;

(ii) Processing transitional ownership transactions;

(iii) Mailing out vehicle registrations and replacement plates to internet payment option customers until directed otherwise by legislative authority;

(iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;

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(v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and

(vi) Collecting fees and taxes as required; and

(c) If authorized by the director, offer for sale discover passes as provided in chapter 79A.80 RCW.

(5) **Subagent successorship.** A subagent appointed by the director who no longer wants his or her appointment may recommend a successor who is the subagent's sibling, spouse, or child, or a subagency employee. The recommended successor must participate in the open competitive process used to select an applicant. In making successor recommendations and appointment determinations, the following provisions apply:

(a) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers;

(b) A subagent may not receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment; and

(c) The appointment of a successor is intended to assist in the efficient transfer of appointments to minimize public inconvenience. The appointment of a successor does not create a proprietary or property interest in the appointment.

(6) **Standard contracts.** The standard contracts provided by the director in this section may include provisions that the director deems necessary to ensure that readily accessible and acceptable service is provided to the citizens of the state, including the full collection of fees and taxes. The standard contracts must include provisions that:

(a) Describe responsibilities and liabilities of each party related to service expectations and levels;

(b) Describe the equipment to be supplied by the department and equipment maintenance;

(c) Require specific types of insurance or bonds, or both, to protect the state against any loss of collected revenue or loss of equipment;

(d) Specify the amount of training that will be provided by each of the parties;

(e) Describe allowable costs that may be charged for vehicle registration activities as described in subsection (7) of this section; and

(f) Describe causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(7) **County auditor/agent cost reimbursement.** A county auditor or other agent appointed by the director who does not cover expenses for services provided by the standard contract may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department ~~((shall))~~ **must** develop procedures to standardize and identify allowable costs and to verify whether a request is reasonable. Payment must be made on those requests found to be allowable from the licensing services account.

(8) **County auditor/agent revenue disbursement.** County revenues that exceed the cost of providing services described in the standard contract, calculated in accordance with the procedures in subsection (7) of this section, must be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(9) **Appointment authority.** The director has final appointment authority for county auditors or other agents or subagents.

(10) **Rules.** The director may adopt rules to implement this section.

**NEW SECTION. Sec. 11.** A new section is added to chapter 46.01 RCW to read as follows:

The department may, in coordination with the state parks and recreation commission, offer for sale and distribute discover passes and day-use permits, as provided in chapter 79A.80 RCW, at the department's drivers' licenses offices. Any amounts collected by the department through the sales of discover passes and day-use permits must be deposited in the recreation access pass account created in RCW 79A.80.090.

**NEW SECTION. Sec. 12.** (1) A state agency may not refund money for a discover pass or vehicle access pass issued prior to the effective date of this section.

(2) Each discover pass or vehicle access pass issued prior to the effective date of this section is valid for two license plate numbers written on the pass.

(3) For the purposes of this section, the terms "discover pass" and "vehicle access pass" have the same meanings provided under RCW 79A.80.010.

(4) This section expires December 31, 2013.

**NEW SECTION. Sec. 13.** (1) By December 31, 2013, the agencies responsible for implementing the discover pass requirements of chapter 79A.80 RCW must prepare a report to the legislature, delivered consistent with RCW 43.01.036, that identifies opportunities for simplifying the administration and use of the discover pass and creating consistent recreational access policies across all lands that require a discover pass for lawful recreational access. The report must specifically address options for consistent boat launch policies among the agencies and, more generally, address how consistency can be developed for other inconsistent interagency access policies.

(2) To the degree the agencies have the authority to address inconsistent recreational access policies administratively, progress towards this end should be included in the required report. If inconsistent recreational access policies are a result of statutory limits, then the report should identify those barriers to consistent recreational access policies.

(3) This section expires July 30, 2014.

**NEW SECTION. Sec. 14.** A new section is added to chapter 82.32 RCW to read as follows:

(1) By September 1, 2012, and by September 1st of every year thereafter, the department must estimate the amount of revenue collected for the prior fiscal year under RCW 67.28.180, 67.28.181, and 35.101.050 by a city, town, or county from sales of lodging services within any state park. The department must provide the estimate to the state treasurer.

(2) By October 1, 2012, and by October 1st of every year thereafter, the state treasurer must transfer the estimated amount provided by the department under subsection (1) of this section from the local sales and use tax account, and local tourism promotion account if applicable, to the state parks renewal and stewardship account created under RCW 79A.05.215. Money placed into the state parks renewal and stewardship account under this section may be used only for the maintenance and operation of state parks.

(3) The next scheduled distribution under RCW 82.14.060 or 35.101.100 to any city or county included within the estimate under subsection (1) of this section must be reduced by the amount of the estimate. The reduction in local sales and use tax distributions under this subsection (3) may be implemented over several months, but not to exceed six, at the request of the jurisdiction.

**Sec. 15.** RCW 82.14.060 and 2009 c 469 s 108 are each amended to read as follows:

(1)(a) Monthly, the state treasurer must distribute from the local sales and use tax account to the counties, cities, transportation authorities, public facilities districts, and transportation benefit

districts the amount of tax collected on behalf of each taxing authority, less:

(i) The deduction provided for in RCW 82.14.050; ~~(and)~~

(ii) The amount of any refunds of local sales and use taxes exempted under RCW 82.08.962 and 82.12.962, which must be made without appropriation; and

(iii) Any reduction required under section 14 of this act.

(b) The state treasurer ~~((shall))~~ may make the distribution under this section without appropriation.

(2) In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution ~~((shall))~~ may not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

**Sec. 16.** RCW 35.101.100 and 2003 c 148 s 10 are each amended to read as follows:

The local tourism promotion account is created in the custody of the state treasurer. Except for reductions required under section 14 of this act, all receipts from the charges for tourism promotion must be deposited into this account. Expenditures from the account may only be used for tourism promotion. The state treasurer ~~((shall))~~ must distribute the money in the account on a monthly basis to the legislative authority on whose behalf the money was collected.

**NEW SECTION. Sec. 17.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Ranker spoke in favor of adoption of the striking amendment.

#### MOTION

Senator Harper moved that the following amendment by Senator Harper to the striking amendment be adopted:

On page 8, beginning on line 33 of the amendment, after "(3)" strike all material through "dollars" on line 37 and insert "The department ~~((shall))~~ must collect from a vehicle owner who pays a vehicle license fee under RCW 46.17.350(1) (a), (d) through (l), ((e), (g), (h), (j), (k), (l), (m), (n), (o), or (q) or who registers a vehicle under RCW 46.16A.455 with a declared gross weight of ((ten)) twelve thousand pounds or less a voluntary donation of five dollars"

Senator Harper spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Harper on page 8, line 33 to the striking amendment to Engrossed Second Substitute House Bill No. 2373.

The motion by Senator Harper carried and the amendment to the striking amendment was adopted by a rising vote.

#### MOTION

Senator Ericksen moved that the following amendment by Senators Ericksen and Hatfield to the striking amendment be adopted:

Beginning on page 13, line 28 of the amendment, strike all of sections 14 through 16

Renumber the remaining section consecutively and correct any internal references accordingly.

Senator Ericksen spoke in favor of adoption of the amendment to the striking amendment.

#### POINT OF INQUIRY

Senator Hargrove: "Would the previous speaker yield to a question? Senator Ericksen, I have two amendments here that appear to do something similar, 206 and 267. We're on 267. There is no effect statement on either one. Is this the one that allows the hotel/motel tax to stay with the local jurisdictions and, if so, what does the other one do?"

Senator Ericksen: "Thank you, there are three amendments. One is out of order. We withdrew one amendment that was drawn to the original bill not to the striker so that amendment was withdrawn. So the amendment that is in front of us right now, 267 is the one that deals with the hotel/motel tax."

Senators Hatfield, Chase and Haugen spoke in favor of adoption of the amendment to the striking amendment.

Senators Schoesler and Ranker spoke against adoption of the amendment to the striking amendment

#### PERSONAL PRIVILEGE

Senator Roach: "Well, I wanted to mention to the President and to the body that the amendments that are coming around, I think it was previously mentioned, don't have any effect statements on it. So, you know I could pull out my book and try to figure out all these things out but it says things like this 'on page 15 beginning on line 13 of the title amendment after 46.16A.090 strike all the material through' and you know it's just that kind of thing. There's hardly time to go looking into the floor books here to see. In other words, I think that these amendments, since we have at least one of them with an effect statement, seem to be lacking and I think the members and I think this one would like to see a little more specific, reciting all the sections and so forth, but there's no real explanation of what these amendments do and I want to point out that I think there should be an effect statement on these amendments. Thank you."

Senators Padden and Keiser spoke in favor of adoption of the amendment to the striking amendment

The President declared the question before the Senate to be the adoption of the amendment by Senators Ericksen and Hatfield on page 13, line 28 to the striking amendment to Engrossed Second Substitute House Bill No. 2373.

The motion by Senator Ericksen carried and the amendment to the striking amendment was adopted by voice vote.

#### MOTION

Senator Ericksen moved that the following amendment by Senators Ericksen and Hatfield to the striking amendment be adopted:

On page 14, after line 14 of the amendment, insert the following: "(4) This section expires July 1, 2015."

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Ericksen, the amendment by Senators Ericksen and Hatfield on page 14, line 14 to Engrossed Second Substitute House Bill No. 2373 was withdrawn.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Ranker and Schoesler to Engrossed Second Substitute House Bill No. 2373 as amended.

The motion by Senator Ranker carried and the striking amendment as amended was adopted by voice vote.

## MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "amending RCW 79A.80.010, 79A.80.020, 79A.80.030, 79A.80.040, 79A.80.050, 79A.80.080, 79A.05.070, 46.16A.090, 46.01.140, 82.14.060, and 35.101.100; adding a new section to chapter 79A.80 RCW; adding a new section to chapter 46.01 RCW; adding a new section to chapter 82.32 RCW; creating new sections; providing expiration dates; and declaring an emergency."

On page 15, beginning on line 13 of the title amendment, after "46.16A.090," strike all material through "35.101.100" on line 14 and insert "and 46.01.140" and beginning on line 15 of the title amendment, after "46.01 RCW;" strike all material through "82.32 RCW;" on line 16

## MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Second Substitute House Bill No. 2373 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Haugen spoke in favor of passage of the bill.

Senators Schoesler, Becker and Morton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2373 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2373 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Holmquist Newbry, Honeyford, Kastama, King, Morton, Padden, Parlette, Roach, Schoesler, Sheldon and Stevens

Excused: Senators Pflug and Zarelli

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2373 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 10:53 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:06 p.m. by President Owen.

## MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

## MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6223.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6545.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

March 6, 2012

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2803.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

## MOTION

Senator Carrell moved adoption of the following resolution:

## SENATE RESOLUTION

8705

By Senators Carrell and Kohl-Welles

WHEREAS, At age 17, Douglas C. Elms enlisted in the United States Army on August 23, 1938, in Tacoma, Washington, to assist in the fight against Nazi aggression during World War II; and

WHEREAS, Douglas C. Elms, Private First Class in the anti-tank company of the 424th Regiment of the 106th Infantry Division, set out to defend the French against the Nazis on September 16, 1940, epitomizing what would later be recorded as one of the greatest strategic Allied successes of the war in Europe; and

WHEREAS, Douglas C. Elms battled relentlessly to save the lives of 25 men of the 112th Regiment during the Battle of the Bulge; and

WHEREAS, Douglas C. Elms fought valiantly day and night alongside his company for almost forty consecutive days without sufficient food, shelter, or manpower, to defend against the Nazi onslaught; and

WHEREAS, Douglas C. Elms and his company triumphed over the Nazis at the Battle of the Bulge on January 25, 1945, in a conquest that will forever be etched in world history; and

WHEREAS, Douglas C. Elms was honorably discharged as a Corporal on October 15, 1945, receiving - among other awards - the Belgian Fourragere and the Bronze Star for his meritorious achievement and gallant heroism during active ground combat at the Battle of the Bulge; and

WHEREAS, Douglas C. Elms eventually settled back in his hometown of Tacoma, Washington, after serving in the European, African, and Middle Eastern Theaters; and

WHEREAS, Douglas C. Elms was appointed Chevalier of the Legion of Honor (created by Napoleon in 1802) by French President Nicolas Sarkozy on December 7, 2011, out of gratitude for his selfless service in securing France's independence from Nazi Germany;

NOW, THEREFORE, BE IT RESOLVED, That U.S. Army Veteran Douglas C. Elms, World War II hero and honored citizen of the State of Washington, be recognized by the Washington State Senate for his courage, heroism, and sacrifice, as well as his unending devotion and loyalty to the United States of America.

Senator Carrell spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8705.

The motion by Senator Carrell carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Douglas Elms who was seated at the rostrum along with his daughters, Mrs. Liz Erb and Victoria.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced U. S. Air Force Master Sergeant (retired) Bob Rudolf and his wife Pat; U. S. Army Lieutenant Colonel (retired) Morris Clinton Cannon; and Mr. Grant Erb who were present in the gallery.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 2, 2012

#### MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6138 with the following amendment(s): 6138-S AMH HASE H4598.1

On page 1, line 8, after "of" strike "forty-six" and insert "forty"

On page 1, line 9, after "vehicle," strike "or"

On page 1, beginning on line 9, after "(2)" strike "~~((auto stage, private carrier bus, school bus, or motor home with an overall length not to exceed forty-six feet, or (3)))~~" and insert "auto stage, private carrier bus, school bus, or motor home with an overall length not to exceed forty-six feet, ((~~or~~)) (3)"

On page 1, line 12, after "feet" insert ", or (4) an auto recycling carrier up to forty-two feet in length manufactured prior to 2005" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6138.

Senator Haugen spoke in favor of the motion.

#### MOTION

On motion of Senator Holmquist Newbry, Senators Baumgartner, Becker and Benton were excused.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6138.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6138 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6138, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6138, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Becker

SUBSTITUTE SENATE BILL NO. 6138, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 2, 2012

#### MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6240 with the following amendment(s): 6240-S AMH ENGR H4442.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.40.127 and 2009 c 236 s 1 are each amended to read as follows:

(1) A juvenile is eligible for deferred disposition unless he or she:

- (a) Is charged with a sex or violent offense;
- (b) Has a criminal history which includes any felony;
- (c) Has a prior deferred disposition or deferred adjudication; or
- (d) Has two or more adjudications.

(2) The juvenile court may, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. The court shall

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consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition. The court may waive the fourteen-day period anytime before the commencement of trial for good cause.

(3) Any juvenile who agrees to a deferral of disposition shall:

(a) Stipulate to the admissibility of the facts contained in the written police report;

(b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision; ~~(and)~~

(c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses; and

(d) Acknowledge the direct consequences of being found guilty and the direct consequences that will happen if an order of disposition is entered.

The adjudicatory hearing shall be limited to a reading of the court's record.

(4) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.

(5) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section.

The court may require a juvenile offender convicted of animal cruelty in the first degree to submit to a mental health evaluation to determine if the offender would benefit from treatment and such intervention would promote the safety of the community. After consideration of the results of the evaluation, as a condition of community supervision, the court may order the offender to attend treatment to address issues pertinent to the offense.

(6) A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove, by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision.

~~(7) ((A juvenile's lack of compliance shall be determined by the judge upon written motion by the prosecutor or the juvenile's juvenile court community supervision counselor. If a juvenile fails to comply with terms of supervision, the court shall enter an order of disposition)) (a) Anytime prior to the conclusion of the period of supervision, the prosecutor or the juvenile's juvenile court community supervision counselor may file a motion with the court requesting the court revoke the deferred disposition based on the juvenile's lack of compliance or treat the juvenile's lack of compliance as a violation pursuant to RCW 13.40.200.~~

(b) If the court finds the juvenile failed to comply with the terms of the deferred disposition, the court may:

(i) Revoke the deferred disposition and enter an order of disposition; or

(ii) Impose sanctions for the violation pursuant to RCW 13.40.200.

(8) At any time following deferral of disposition the court may, following a hearing, continue ~~((the case))~~ supervision for an additional one-year period for good cause.

(9)(a) At the conclusion of the period ((set forth in the order of deferral and upon a finding by the court of full compliance with conditions of supervision and payment of full restitution)) of supervision, the court shall determine whether the juvenile is entitled to dismissal of the deferred disposition only when the court

finds:

(i) The deferred disposition has not been previously revoked;

(ii) The juvenile has completed the terms of supervision;

(iii) There are no pending motions concerning lack of compliance pursuant to subsection (7) of this section; and

(iv) The juvenile has either paid the full amount of restitution, or, made a good faith effort to pay the full amount of restitution during the period of supervision.

(b) If the court finds the juvenile is entitled to dismissal of the deferred disposition pursuant to (a) of this subsection, the ((respondent's)) juvenile's conviction shall be vacated and the court shall dismiss the case with prejudice, except that a conviction under RCW 16.52.205 shall not be vacated. Whenever a case is dismissed with restitution still owing, the court shall enter a restitution order pursuant to RCW 13.40.190 for any unpaid restitution. Jurisdiction to enforce payment and modify terms of the restitution order shall be the same as those set forth in RCW 13.40.190.

(c) If the court finds the juvenile is not entitled to dismissal of the deferred disposition pursuant to (a) of this subsection, the court shall revoke the deferred disposition and enter an order of disposition. A deferred disposition shall remain a conviction unless the case is dismissed and the conviction is vacated pursuant to (b) of this subsection or sealed pursuant to RCW 13.50.050.

~~(10)(a) ((Records of deferred disposition cases vacated under subsection (9) of this section shall be sealed no later than thirty days after the juvenile's eighteenth birthday provided that the juvenile does not have any charges pending at that time. If a juvenile has already reached his or her eighteenth birthday before July 26, 2009, and does not have any charges pending, he or she may request that the court issue an order sealing the records of his or her deferred disposition cases vacated under subsection (9) of this section, and this request shall be granted.)) (i) Any time the court vacates a conviction pursuant to subsection (9) of this section, if the juvenile is eighteen years of age or older and the full amount of restitution ordered has been paid, the court shall enter a written order sealing the case.~~

(ii) Any time the court vacates a conviction pursuant to subsection (9) of this section, if the juvenile is not eighteen years of age or older and full restitution ordered has been paid, the court shall schedule an administrative sealing hearing to take place no later than thirty days after the respondent's eighteenth birthday, at which time the court shall enter a written order sealing the case. The respondent's presence at the administrative sealing hearing is not required.

(iii) Any deferred disposition vacated prior to the effective date of this section is not subject to sealing under this subsection.

(b) Nothing in this subsection shall preclude a juvenile from petitioning the court to have the records of his or her deferred dispositions sealed under RCW 13.50.050 (11) and (12).

~~((b))~~ (c) Records sealed under this provision shall have the same legal status as records sealed under RCW 13.50.050.

**Sec. 2.** RCW 13.50.050 and 2011 c 338 s 4 and 2011 c 333 s 4 are each reenacted and amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile

justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central recordkeeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central recordkeeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central recordkeeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(12)(a) The court shall not grant any motion to seal records for class A offenses made pursuant to subsection (11) of this section that is filed on or after July 1, 1997, unless:

(i) Since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the

person has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense;

(v) The person has not been convicted of rape in the first degree, rape in the second degree, or indecent liberties that was actually committed with forcible compulsion; and

(vi) Full restitution has been paid.

(b) The court shall not grant any motion to seal records for class B, C, gross misdemeanor and misdemeanor offenses and diversions made under subsection (11) of this section unless:

(i) Since the date of last release from confinement, including full-time residential treatment, if any, entry of disposition, or completion of the diversion agreement, the person has spent two consecutive years in the community without being convicted of any offense or crime;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense; and

(v) Full restitution has been paid.

(c) Notwithstanding the requirements in (a) or (b) of this subsection, the court shall grant any motion to seal records of any deferred disposition vacated under RCW 13.40.127(9) prior to the effective date of this section if restitution has been paid and the person is eighteen years of age or older at the time of the motion.

(13) The person making a motion pursuant to subsection (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(14)(a) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall, subject to subsection (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(b) In the event the subject of the juvenile records receives a full and unconditional pardon, the proceedings in the matter upon which the pardon has been granted shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events upon which the pardon was received. Any agency shall reply to any inquiry concerning the records pertaining to the events for which the subject received a pardon that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (23) of this section.

(16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW. The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

(17)(a)(i) Subject to subsection (23) of this section, all records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within ninety days of becoming eligible for destruction. Juvenile records are eligible for destruction when:

(A) The person who is the subject of the information or complaint is at least eighteen years of age;

(B) His or her criminal history consists entirely of one diversion agreement or counsel and release entered on or after June 12, 2008;

(C) Two years have elapsed since completion of the agreement or counsel and release;

(D) No proceeding is pending against the person seeking the conviction of a criminal offense; and

(E) There is no restitution owing in the case.

(ii) No less than quarterly, the administrative office of the courts shall provide a report to the juvenile courts of those individuals whose records may be eligible for destruction. The juvenile court shall verify eligibility and notify the Washington state patrol and the appropriate local law enforcement agency and prosecutor's office of the records to be destroyed. The requirement to destroy records under this subsection is not dependent on a court hearing or the issuance of a court order to destroy records.

(iii) The state and local governments and their officers and employees are not liable for civil damages for the failure to destroy records pursuant to this section.

(b) All records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within thirty days of being notified by the governor's office that the subject of those records received a full and unconditional pardon by the governor.

(c) A person eighteen years of age or older whose criminal history consists entirely of one diversion agreement or counsel and release entered prior to June 12, 2008, may request that the court order the records in his or her case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the agreement or counsel and release.

(d) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.

(18) If the court grants the motion to destroy records made pursuant to subsection (17)(c) or (d) of this section, it shall, subject to subsection (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(19) The person making the motion pursuant to subsection (17)(c) or (d) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(22) Any juvenile justice or care agency may, subject to the limitations in subsection (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older or pursuant to subsection (17)(a) of this section.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(23) Except for subsection (17)(b) of this section, no identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

(24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

**Sec. 3.** RCW 13.40.180 and 2002 c 175 s 24 are each amended to read as follows:

(1) Where a disposition in a single disposition order is imposed on a youth for two or more offenses, the terms shall run consecutively, subject to the following limitations:

~~((4))~~ (a) Where the offenses were committed through a single act or omission, omission, or through an act or omission which in itself constituted one of the offenses and also was an element of the other, the aggregate of all the terms shall not exceed one hundred fifty percent of the term imposed for the most serious offense;

~~((2))~~ (b) The aggregate of all consecutive terms shall not exceed three hundred percent of the term imposed for the most serious offense; and

~~((3))~~ (c) The aggregate of all consecutive terms of community supervision shall not exceed two years in length, or require payment of more than two hundred dollars in fines or the performance of more than two hundred hours of community restitution.

(2) Where disposition in separate disposition orders is imposed on a youth, the periods of community supervision contained in separate orders, if any, shall run concurrently. All other terms contained in separate disposition orders shall run consecutively.

**Sec. 4.** RCW 13.40.0357 and 2008 c 230 s 3 and 2008 c 158 s 1 are each reenacted and amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

| JUVENILE<br>DISPOSITION<br>OFFENSE<br>CATEGORY | DESCRIPTION (RCW<br>CITATION) | JUVENILE DISPOSITION<br>CATEGORY FOR<br>ATTEMPT, BAILJUMP,<br>CONSPIRACY, OR<br>SOLICITATION |
|--|-------------------------------|--|
|--|-------------------------------|--|

**Arson and Malicious Mischief**

|     |   |      |
|-----|---|------|
| A   | Arson 1 (9A.48.020)   | B+   |
| B   | Arson 2 (9A.48.030)   | C    |
| C   | Reckless Burning 1 (9A.48.040)  | D    |
| D   | Reckless Burning 2 (9A.48.050)  | E    |
| B   | Malicious Mischief 1 (9A.48.070)  | C    |
| C   | Malicious Mischief 2 (9A.48.080)  | D    |
| D   | Malicious Mischief 3 (9A.48.090((2)-(a)<br>and (e)))                          | E    |
| (E) | Malicious Mischief 3 (9A.48.090(2)(b))  | (E)) |
| E   | Tampering with Fire Alarm Apparatus<br>(9.40.100)                             | E    |
| E   | Tampering with Fire Alarm Apparatus with<br>Intent to Commit Arson (9.40.105) | E    |
| A   | Possession of Incendiary Device (9.40.120)                                    | B+   |

**Assault and Other Crimes Involving  
Physical Harm**

|    |                                       |    |
|----|---------------------------------------|----|
| A  | Assault 1 (9A.36.011)                 | B+ |
| B+ | Assault 2 (9A.36.021)                 | C+ |
| C+ | Assault 3 (9A.36.031)                 | D+ |
| D+ | Assault 4 (9A.36.041)                 | E  |
| B+ | Drive-By Shooting (9A.36.045)         | C+ |
| D+ | Reckless Endangerment (9A.36.050)     | E  |
| C+ | Promoting Suicide Attempt (9A.36.060) | D+ |
| D+ | Coercion (9A.36.070)                  | E  |
| C+ | Custodial Assault (9A.36.100)         | D+ |

**Burglary and Trespass**

|    |  |    |
|----|--|----|
| B+ | Burglary 1 (9A.52.020)                     | C+ |
| B  | Residential Burglary (9A.52.025)           | C  |
| B  | Burglary 2 (9A.52.030)                     | C  |
| D  | Burglary Tools (Possession of) (9A.52.060) | E  |
| D  | Criminal Trespass 1 (9A.52.070)            | E  |
| E  | Criminal Trespass 2 (9A.52.080)            | E  |

|   |                                |   |
|---|--------------------------------|---|
| C | Mineral Trespass (78.44.330)   | C |
| C | Vehicle Prowling 1 (9A.52.095) | D |
| D | Vehicle Prowling 2 (9A.52.100) | E |

**Drugs**

|    |  |    |
|----|--|----|
| E  | Possession/Consumption of Alcohol (66.44.270)  | E  |
| C  | Illegally Obtaining Legend Drug (69.41.020)  | D  |
| C+ | Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))  | D+ |
| E  | Possession of Legend Drug (69.41.030(2)(b))  | E  |
| B+ | Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))                    | B+ |
| C  | Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))  | C  |
| E  | Possession of Marihuana <40 grams (69.50.4014)   | E  |
| C  | Fraudulently Obtaining Controlled Substance (69.50.403)  | C  |
| C+ | Sale of Controlled Substance for Profit (69.50.410)  | C+ |
| E  | Unlawful Inhalation (9.47A.020)  | E  |
| B  | Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b)) | B  |
| C  | Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))                           | C  |
| C  | Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)   | C  |
| C  | Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)   | C  |

**Firearms and Weapons**

|    |   |   |
|----|---|---|
| B  | Theft of Firearm (9A.56.300)                                | C |
| B  | Possession of Stolen Firearm (9A.56.310)                    | C |
| E  | Carrying Loaded Pistol Without Permit (9.41.050)            | E |
| C  | Possession of Firearms by Minor (<18) (9.41.040(2)(a)(iii)) | C |
| D+ | Possession of Dangerous Weapon (9.41.250)                   | E |
| D  | Intimidating Another Person by use of Weapon (9.41.270)     | E |

**Homicide**

|    |                      |    |
|----|----------------------|----|
| A+ | Murder 1 (9A.32.030) | A  |
| A+ | Murder 2 (9A.32.050) | B+ |

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|    |                                |    |
|----|--------------------------------|----|
| B+ | Manslaughter 1 (9A.32.060)     | C+ |
| C+ | Manslaughter 2 (9A.32.070)     | D+ |
| B+ | Vehicular Homicide (46.61.520) | C+ |

**Kidnapping**

|    |                                   |    |
|----|-----------------------------------|----|
| A  | Kidnap 1 (9A.40.020)              | B+ |
| B+ | Kidnap 2 (9A.40.030)              | C+ |
| C+ | Unlawful Imprisonment (9A.40.040) | D+ |

**Obstructing Governmental Operation**

|    |  |    |
|----|--|----|
| D  | Obstructing a Law Enforcement Officer<br>(9A.76.020) | E  |
| E  | Resisting Arrest (9A.76.040)                         | E  |
| B  | Introducing Contraband 1 (9A.76.140)                 | C  |
| C  | Introducing Contraband 2 (9A.76.150)                 | D  |
| E  | Introducing Contraband 3 (9A.76.160)                 | E  |
| B+ | Intimidating a Public Servant (9A.76.180)            | C+ |
| B+ | Intimidating a Witness (9A.72.110)                   | C+ |

**Public Disturbance**

|    |                                       |    |
|----|---------------------------------------|----|
| C+ | Riot with Weapon (9A.84.010(2)(b))    | D+ |
| D+ | Riot Without Weapon (9A.84.010(2)(a)) | E  |
| E  | Failure to Disperse (9A.84.020)       | E  |
| E  | Disorderly Conduct (9A.84.030)        | E  |

**Sex Crimes**

|    |  |    |
|----|--|----|
| A  | Rape 1 (9A.44.040)                                   | B+ |
| A- | Rape 2 (9A.44.050)                                   | B+ |
| C+ | Rape 3 (9A.44.060)                                   | D+ |
| A- | Rape of a Child 1 (9A.44.073)                        | B+ |
| B+ | Rape of a Child 2 (9A.44.076)                        | C+ |
| B  | Incest 1 (9A.64.020(1))                              | C  |
| C  | Incest 2 (9A.64.020(2))                              | D  |
| D+ | Indecent Exposure (Victim <14)<br>(9A.88.010)        | E  |
| E  | Indecent Exposure (Victim 14 or over)<br>(9A.88.010) | E  |
| B+ | Promoting Prostitution 1 (9A.88.070)                 | C+ |
| C+ | Promoting Prostitution 2 (9A.88.080)                 | D+ |
| E  | O & A (Prostitution) (9A.88.030)                     | E  |

|   |   |    |
|---|---|----|
| B+  | Indecent Liberties (9A.44.100)  | C+ |
| A-  | Child Molestation 1 (9A.44.083)   | B+ |
| B   | Child Molestation 2 (9A.44.086)   | C+ |
| C   | Failure to Register as a Sex Offender<br>((( <del>9A.44.130</del> )) 9A.44.132) | D  |
| <b>Theft, Robbery, Extortion, and Forgery</b> |   |    |
| B   | Theft 1 (9A.56.030)   | C  |
| C   | Theft 2 (9A.56.040)   | D  |
| D   | Theft 3 (9A.56.050)   | E  |
| B   | Theft of Livestock 1 and 2 (9A.56.080 and<br>9A.56.083)                         | C  |
| C   | Forgery (9A.60.020)   | D  |
| A   | Robbery 1 (9A.56.200)   | B+ |
| B+  | Robbery 2 (9A.56.210)   | C+ |
| B+  | Extortion 1 (9A.56.120)   | C+ |
| C+  | Extortion 2 (9A.56.130)   | D+ |
| C   | Identity Theft 1 (9.35.020(2))  | D  |
| D   | Identity Theft 2 (9.35.020(3))  | E  |
| D   | Improperly Obtaining Financial Information<br>(9.35.010)                        | E  |
| B   | Possession of a Stolen Vehicle (9A.56.068)                                      | C  |
| B   | Possession of Stolen Property 1<br>(9A.56.150)                                  | C  |
| C   | Possession of Stolen Property 2<br>(9A.56.160)                                  | D  |
| D   | Possession of Stolen Property 3<br>(9A.56.170)                                  | E  |
| B   | Taking Motor Vehicle Without Permission<br>1 (9A.56.070)                        | C  |
| C   | Taking Motor Vehicle Without Permission<br>2 (9A.56.075)                        | D  |
| B   | Theft of a Motor Vehicle (9A.56.065)  | C  |
| <b>Motor Vehicle Related Crimes</b>           |   |    |
| E   | Driving Without a License (46.20.005)   | E  |
| B+  | Hit and Run - Death (46.52.020(4)(a))   | C+ |
| C   | Hit and Run - Injury (46.52.020(4)(b))  | D  |
| D   | Hit and Run-Attended (46.52.020(5))   | E  |
| E   | Hit and Run-Unattended (46.52.010)  | E  |
| C   | Vehicular Assault (46.61.522)   | D  |
| C   | Attempting to Elude Pursuing Police<br>Vehicle (46.61.024)                      | D  |

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|              |   |    |
|--------------|---|----|
| E            | Reckless Driving (46.61.500)  | E  |
| D            | Driving While Under the Influence<br>(46.61.502 and 46.61.504)  | E  |
| B+           | Felony Driving While Under the Influence<br>(46.61.502(6))  | B  |
| B+           | Felony Physical Control of a Vehicle While<br>Under the Influence (46.61.504(6))                        | B  |
| <b>Other</b> |   |    |
| B            | Animal Cruelty 1 (16.52.205)  | C  |
| B            | Bomb Threat (9.61.160)  | C  |
| C            | Escape 1 <sup>1</sup> (9A.76.110)   | C  |
| C            | Escape 2 <sup>1</sup> (9A.76.120)   | C  |
| D            | Escape 3 (9A.76.130)  | E  |
| E            | Obscene, Harassing, Etc., Phone Calls<br>(9.61.230)   | E  |
| A            | Other Offense Equivalent to an Adult Class<br>A Felony  | B+ |
| B            | Other Offense Equivalent to an Adult Class<br>B Felony  | C  |
| C            | Other Offense Equivalent to an Adult Class<br>C Felony  | D  |
| D            | Other Offense Equivalent to an Adult Gross<br>Misdemeanor   | E  |
| E            | Other Offense Equivalent to an Adult<br>Misdemeanor   | E  |
| V            | Violation of Order of Restitution,<br>Community Supervision, or Confinement<br>(13.40.200) <sup>2</sup> | V  |

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, D, or RCW 13.40.167.

**((OPTION A  
JUVENILE OFFENDER SENTENCING GRID  
STANDARD RANGE**

|    |                                      |                |                 |                  |
|----|--------------------------------------|----------------|-----------------|------------------|
| A+ | <del>180 WEEKS TO AGE 21 YEARS</del> |                |                 |                  |
| A  | <del>103 WEEKS TO 129 WEEKS</del>    |                |                 |                  |
| A- | 15-36<br>WEEKS                       | 52-65<br>WEEKS | 80-100<br>WEEKS | 103-129<br>WEEKS |
|    | EXCEPT                               |                |                 |                  |
|    | 30-40                                |                |                 |                  |



| <u>CURRENT</u>                       | <u>B+</u> | <u>15-36</u><br><u>weeks</u> | <u>15-36</u><br><u>weeks</u> | <u>52-65</u><br><u>weeks</u> | <u>80-100</u><br><u>weeks</u> | <u>103-129</u><br><u>weeks</u> |
|--------------------------------------|-----------|------------------------------|------------------------------|------------------------------|-------------------------------|--------------------------------|
| <u>OFFENSE</u>                       | <u>B</u>  | <u>LS</u>                    | <u>LS</u>                    | <u>15-36</u><br><u>weeks</u> | <u>15-36</u><br><u>weeks</u>  | <u>52-65</u><br><u>weeks</u>   |
| <u>CATEGORY</u>                      | <u>C+</u> | <u>LS</u>                    | <u>LS</u>                    | <u>LS</u>                    | <u>15-36</u><br><u>weeks</u>  | <u>15-36</u><br><u>weeks</u>   |
|                                      | <u>C</u>  | <u>LS</u>                    | <u>LS</u>                    | <u>LS</u>                    | <u>LS</u>                     | <u>15-36</u><br><u>weeks</u>   |
|                                      | <u>D+</u> | <u>LS</u>                    | <u>LS</u>                    | <u>LS</u>                    | <u>LS</u>                     | <u>LS</u>                      |
|                                      | <u>D</u>  | <u>LS</u>                    | <u>LS</u>                    | <u>LS</u>                    | <u>LS</u>                     | <u>LS</u>                      |
|                                      | <u>E</u>  | <u>LS</u>                    | <u>LS</u>                    | <u>LS</u>                    | <u>LS</u>                     | <u>LS</u>                      |
| <u>PRIOR</u><br><u>ADJUDICATIONS</u> | <u>0</u>  | <u>1</u>                     | <u>2</u>                     | <u>3</u>                     | <u>4 or</u><br><u>more</u>    |                                |

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**

**OPTION B  
SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW

13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender is:

(a) Adjudicated of an A+ offense;

(b) Fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060); or

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Ordered to serve a disposition for a firearm violation under RCW 13.40.193; or

(d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

**OR**

**OPTION C  
CHEMICAL DEPENDENCY DISPOSITION  
ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

**OR**

**OPTION D  
MANIFEST INJUSTICE**

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If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2)."

Correct the title. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6240.

Senator Regala spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6240.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6240 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6240, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6240, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Becker

SUBSTITUTE SENATE BILL NO. 6240, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

- SUBSTITUTE SENATE BILL NO. 5217,
SUBSTITUTE SENATE BILL NO. 5246,
ENGROSSED SENATE BILL NO. 5661,
SUBSTITUTE SENATE BILL NO. 5982,
SUBSTITUTE SENATE BILL NO. 5995,
SUBSTITUTE SENATE BILL NO. 5997,
SUBSTITUTE SENATE BILL NO. 6105,
SUBSTITUTE SENATE BILL NO. 6116,
SENATE BILL NO. 6134,
SECOND SUBSTITUTE SENATE BILL NO. 6140,
ENGROSSED SENATE BILL NO. 6155,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6237,
SUBSTITUTE SENATE BILL NO. 6242,
ENGROSSED SENATE BILL NO. 6254,
SECOND SUBSTITUTE SENATE BILL NO. 6263,
SUBSTITUTE SENATE BILL NO. 6328,
SUBSTITUTE SENATE BILL NO. 6354,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6355,
SUBSTITUTE SENATE BILL NO. 6359,

- SUBSTITUTE SENATE BILL NO. 6384,
SUBSTITUTE SENATE BILL NO. 6403,
SENATE BILL NO. 6412,
SUBSTITUTE SENATE BILL NO. 6414,
SUBSTITUTE SENATE BILL NO. 6444,
SUBSTITUTE SENATE BILL NO. 6508.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2190, by House Committee on Transportation (originally sponsored by Representatives Clibborn, Armstrong, Billig and Hargrove)

Making 2011-2013 supplemental transportation appropriations.

The measure was read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senator Haugen be adopted:

Strike everything after the enacting clause and insert the following:

"2011-2013 FISCAL BIENNIUM GENERAL GOVERNMENT AGENCIES—OPERATING

Sec. 101. 2011 c 367 s 101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account--State Appropriation .....(((\$430,000)) .....\$416,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

Sec. 102. 2011 c 367 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account--State Appropriation .....(((\$2,840,000)) .....\$1,728,000

Puget Sound Ferry Operations Account--State Appropriation .....(((\$4,624,000)) .....\$1,260,000

Multimodal Transportation Account--State Appropriation .....\$350,000

TOTAL APPROPRIATION.....(((\$6,840,000)) .....\$3,338,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management, in consultation with the transportation committees of the legislature, shall conduct a budget evaluation study for the new traffic management center proposed by the department of transportation. The study must consider data resulting from the plan identified in section 604 of this act. The budget evaluation study team approach using value engineering techniques must be utilized by the office of financial management in conducting the study. The office of financial management shall

select the budget evaluation study team members, contract for the study, and report the results to the transportation committees of the legislature and the department of transportation in a timely manner following the study. Options reviewed must include use of existing facilities, including the Wheeler building data center in Olympia. Funds allocated for the new traffic management center must be used by the office of financial management through an interagency agreement with the department of transportation to cover the cost of the study.

~~(2) ((\$4,480,000 of the Puget Sound ferry operations account—state appropriation is provided solely for marine insurance. The appropriation is intended to fully fund a two-year policy, and the office of financial management shall increase the deductible to \$10,000,000 and reduce components of the policy in order to keep the total cost of the two-year policy at or below the appropriation in this subsection.~~

~~—(5)) \$1,116,000 of the Puget Sound ferry operations account—state appropriation is provided solely for marine insurance. The amount in this subsection as well as the amount in section 103(2) of this act is intended to fully fund a two-year policy. For fiscal year 2012, the office of financial management shall increase the deductible to ten million dollars and reduce components of the policy in order to keep the total cost of the two-year policy at or below the appropriation in this subsection and section 103(2) of this act.~~

~~(3) \$840,000 of the motor vehicle account--state appropriation is provided out of funds set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3) solely for the office of financial management to contract with the Washington state association of counties to identify, evaluate, and implement performance measures associated with county transportation activities. The performance measures must include, at a minimum, those related to safety, system preservation, mobility, environmental protection, and project completion. A report on the county transportation performance implementation project must be provided to the transportation committees of the legislature by December 31, 2012.~~

~~((6)) (4) \$169,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.~~

~~((7)) (5) \$40,000 of the Puget Sound ferry operations account-- state appropriation is provided solely for the state's share of the marine salary survey.~~

~~((8)) (6) The office of financial management shall study the available data regarding statewide transit, bicycle, and pedestrian trips and recommend additional performance measures that will effectively measure the state's performance in increasing transit ridership and bicycle and pedestrian trips. The office of financial management shall report its findings and recommendations to the transportation committees of the legislature by November 15, 2011, and integrate the new performance measures into the report prepared by the office of financial management pursuant to RCW 47.04.280 regarding progress towards achieving Washington state's transportation system policy goals.~~

~~(7) \$350,000 of the mulitmodal transportation account--state appropriation is provided solely for the office of financial management to contract with a statewide organization representing Washington cities and a statewide organization representing Washington counties to work with the Washington state governor's office of regulatory assistance to:~~

~~(a) Fulfill completion of recent iPRMT enhancements developed to consolidate applications and expedite local, state, and regional transportation and public works maintenance permitting related to (i) general hydraulic project approval permits issued consistent with section 103(3), chapter 247, Laws of 2010 and (ii) section 106 consultations completed under the national historic~~

preservation act:

(b) Work with local, state, and regional transportation and public works maintenance agencies to continue to support development of iPRMT enhancements and customizations based on applicant needs; and

(c) Provide outreach and training to advance the state's interest in continuing to leverage iPRMT web infrastructure to support and accelerate local, regional, and state transportation and public works planning, permitting, and compliance.

NEW SECTION. Sec. 103. A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

|  |             |
|--|-------------|
| Motor Vehicle Account--State Appropriation ..... | \$462,000   |
| Puget Sound Ferry Operations Account--State      |             |
| Appropriation .....                              | \$3,360,000 |
| TOTAL APPROPRIATION.....                         | \$3,822,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$462,000 of the motor vehicle account--state appropriation is provided solely for the transportation executive information system.

(2) \$3,360,000 of the Puget Sound ferry operations account--state appropriation is provided solely for marine insurance. The amount in this subsection as well as the amount in section 102(2) of this act is intended to fully fund a two-year policy. For fiscal year 2013, the department of enterprise services shall increase the deductible to ten million dollars and reduce components of the policy in order to keep the total cost of the two-year policy at or below the appropriation in this subsection and section 102(2) of this act.

NEW SECTION. Sec. 104. A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

|   |                       |
|---|-----------------------|
| Puget Sound Ferry Operations Account--State |                       |
| Appropriation .....                         | <del>((95,000))</del> |
| .....                                       | \$75,000              |

**Sec. 105.** 2011 c 367 s 105 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

|  |                          |
|--|--------------------------|
| Motor Vehicle Account--State Appropriation ..... | <del>((1,210,000))</del> |
| .....  | \$1,185,000              |

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$686,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

**Sec. 106.** 2011 c 367 s 106 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

|  |                        |
|--|------------------------|
| Motor Vehicle Account--State Appropriation ..... | <del>((513,000))</del> |
| .....  | \$494,000              |

**TRANSPORTATION AGENCIES—OPERATING**

**Sec. 201.** 2011 c 367 s 201 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

|  |                          |
|--|--------------------------|
| Highway Safety Account--State Appropriation..... | <del>((3,003,000))</del> |
|--|--------------------------|

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|   |                           |
|---|---------------------------|
| .....   | <u>\$2,983,000</u>        |
| Highway Safety Account--Federal Appropriation.....        | <del>(\$42,625,000)</del> |
| .....   | <u>\$42,507,000</u>       |
| Highway Safety Account--Private/Local Appropriation ..... | \$50,000                  |
| School Zone Safety Account--State Appropriation .....     | \$3,340,000               |
| TOTAL APPROPRIATION.....                                  | <del>(\$49,018,000)</del> |
| .....   | <u>\$48,880,000</u>       |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,673,900 of the highway safety account--federal appropriation is provided solely for the conclusion of the target zero trooper pilot program, which the commission has developed and implemented in collaboration with the Washington state patrol. The pilot program must continue to demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall continue to apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program. State funding is provided in section 207 of this act for the state patrol to continue the target zero trooper program in fiscal year 2013.

(2) The commission may oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population over one hundred ninety-five thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

(a) The commission shall comply with RCW 46.63.170 in administering the pilot projects.

(b) In order to ensure adequate time in the 2011-2013 fiscal biennium to evaluate the effectiveness of the pilot projects, any projects authorized by the commission must be authorized by December 31, 2011.

(c) By January 1, 2013, the commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding automated traffic safety cameras demonstrated by the pilot projects.

(3) \$460,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 (addressing DUI accountability). If chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

(4) The commission shall conduct a review of the literature on potential safety benefits realized from drivers using their headlights and windshield wipers simultaneously and shall report to the transportation committees of the legislature by December 1, 2011.

(5) \$22,000,000 of the highway safety account--federal appropriation is provided solely for federal funds that may be obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the 2011-2013 fiscal biennium.

**Sec. 202.** 2011 c 367 s 202 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

|   |                          |
|---|--------------------------|
| Rural Arterial Trust Account--State Appropriation ..... | <del>(\$948,000)</del>   |
| .....   | <u>\$915,000</u>         |
| Motor Vehicle Account--State Appropriation .....        | <del>(\$2,161,000)</del> |
| .....   | <u>\$2,088,000</u>       |
| County Arterial Preservation Account--State             |                          |
| Appropriation .....                                     | <del>(\$1,480,000)</del> |
| .....   | <u>\$1,428,000</u>       |
| TOTAL APPROPRIATION.....                                | <del>(\$4,589,000)</del> |
| .....   | <u>\$4,431,000</u>       |

The appropriations in this section are subject to the following conditions and limitations: The county road administration board

shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

**Sec. 203.** 2011 c 367 s 203 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

|   |                          |
|---|--------------------------|
| Transportation Improvement Account--State |                          |
| Appropriation .....                       | <del>(\$3,707,000)</del> |
| .....                                     | <u>\$3,625,000</u>       |

The appropriation in this section is subject to the following conditions and limitations: The transportation improvement board shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

**Sec. 204.** 2011 c 367 s 204 (uncodified) is amended to read as follows:

**FOR THE JOINT TRANSPORTATION COMMITTEE**

|  |                          |
|--|--------------------------|
| Motor Vehicle Account--State Appropriation ..... | <del>(\$2,060,000)</del> |
| .....  | <u>\$2,028,000</u>       |

The appropriation in this section is subject to the following conditions and limitations:

(1) \$200,000 of the motor vehicle account--state appropriation is for a study of Washington state ferries fares that recommends the most appropriate fare media for use with the reservation system and the implementation of demand management pricing and interoperability with other payment methods. The study must include direct collaboration with transportation commission members.

~~((3))~~ (2) \$200,000 of the motor vehicle account--state appropriation is from the cities statewide fuel tax distributions under RCW 46.68.110(2) for the joint transportation committee to study and make recommendations on RCW 90.03.525. The study must include: (a) An inventory of state highways subject to the federal clean water act (40 C.F.R. Parts 122 through 124) (national pollutant discharge elimination system) that are within city boundaries; (b) a survey of cities that impose storm water fees or charges to the department of transportation, or otherwise manage storm water runoff from state highways within their jurisdiction; (c) case studies from a representative cross-section of cities on how the department and cities have used RCW 90.03.525; and (d) recommendations on how to achieve efficiencies in the cost and management of state highway storm water runoff within cities under RCW 90.03.525.

~~((4))~~ (3) \$425,000 of the motor vehicle account--state appropriation is for the joint transportation committee to conduct a study to evaluate the potential for financing state transportation projects using public-private partnerships. The study must compare the costs, advantages, and disadvantages of various forms of public-private partnerships with conventional financing. Projects to be evaluated include Interstate 405, state route number 509, state route number 167, the Columbia River crossing, and the Monroe bypass. At a minimum, the study must identify the public interest in the financing and construction of transportation projects,

the public interest in the operation of transportation projects, and the provisions in public-private partnership agreements that best protect the public interest. To the extent possible, the study must identify the lowest-cost and best-value model for each project that best protects the public interest. In addition, the study must evaluate whether public-private partnerships serve the defined public interest including, but not limited to, the advantage and disadvantage of risk allocation, the effects of private versus public financing on the state's bonding capacity, the state's ability to retain public ownership of the asset, the process that would allow for the most transparency during the negotiation of terms of a public-private partnership agreement, and the state's ability to oversee the private entity's management of the asset. The study must identify any barriers to the implementation of funding models that best protect the public interest, including statutory and constitutional barriers. The committee shall issue a report of its evaluation to the house of representatives and senate transportation committees by December 16, 2011.

~~((5))~~ (4) \$100,000 of the motor vehicle account--state appropriation is for an investigation of the use of liquid natural gas on existing Washington state ferry vessels as well as the 144-car class vessels and report to the legislature by December 31, 2011.

(5) The joint transportation committee shall convene a study group to evaluate the most appropriate organization for the aviation search and rescue program, currently operating from the department of transportation's aviation division. The joint transportation committee shall invite a representative from the following organizations to participate in meetings in the city of Olympia: The aircraft owners and pilots association; the Washington pilots association; the Washington wing of the civil air patrol; the civil air patrol - United States air force; the Washington department of transportation, aviation division; the emergency management division of the military department; the Washington association of search and rescue; and the Washington state patrol. The committee shall issue a report of its findings to the legislature by December 14, 2012, to include the following information:

- (a) Where should aviation search and rescue operations be located to provide the maximum benefit for these searches?
- (b) How should the duplication of services and training be addressed?
- (c) Is the current structure the best use of state and federal funding?
- (d) If aviation search and rescue is relocated, what should be the source of funding?

**Sec. 205.** 2011 c 367 s 205 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

|  |               |
|--|---------------|
| Motor Vehicle Account--State Appropriation .....       | (\$2,142,000) |
| .....  | \$2,093,000   |
| Multimodal Transportation Account--State Appropriation | \$112,000     |
| TOTAL APPROPRIATION .....                              | (\$2,254,000) |
| .....  | \$2,205,000   |

The appropriations in this section are subject to the following conditions and limitations:

- (1) Consistent with RCW 43.135.055, 47.60.290, and 47.60.315, during the 2011-2013 fiscal biennium, the legislature authorizes the transportation commission to periodically review and, if necessary, adjust the schedule of fares for the Washington state ferry system only in amounts not greater than those sufficient to generate the amount of revenue required by the biennial transportation budget. When adjusting ferry fares, the commission must consider input from affected ferry users by public hearing and by review with the affected ferry advisory committees, in addition to the data gathered from the current ferry user survey.

- (2) Consistent with RCW 43.135.055 and 47.46.100, during the 2011-2013 fiscal biennium, the legislature authorizes the

transportation commission to periodically review and, if necessary, adjust the schedule of toll charges applicable to the Tacoma Narrows bridge only in amounts not greater than those sufficient to support (a) any required costs for operating and maintaining the toll bridge, including the cost of insurance, (b) any amount required by law to meet the redemption of bonds and applicable interest payments, and (c) repayment of the motor vehicle fund.

~~((4))~~ (3) Consistent with its authority in RCW 47.56.840, the transportation commission shall consider the need for a citizen advisory group that provides oversight on new tolled facilities.

**Sec. 206.** 2011 c 367 s 206 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

|  |             |
|--|-------------|
| Motor Vehicle Account--State Appropriation ..... | (\$702,000) |
| .....  | \$681,000   |

The appropriation in this section is subject to the following conditions and limitations: The freight mobility strategic investment board shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

**Sec. 207.** 2011 c 367 s 207 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

|  |                        |
|--|------------------------|
| <del>(Vehicle Licensing Fraud Account--State Appropriation</del> | <del>\$100,000)</del>  |
| <b>Ignition Interlock Device Revolving Account--</b>             |                        |
| <b>State Appropriation .....</b>                                 | <b>\$106,000</b>       |
| State Patrol Highway Account--State                              |                        |
| Appropriation .....  | (\$349,812,000)        |
| <b>\$350,605,000</b>   |                        |
| State Patrol Highway Account--Federal                            |                        |
| Appropriation .....  | \$10,903,000           |
| State Patrol Highway Account--Private/Local                      |                        |
| Appropriation .....  | (\$3,369,000)          |
| <b>\$3,494,000</b>   |                        |
| <b>Highway Safety Account--State Appropriation .....</b>         | <b>\$712,000</b>       |
| <b>TOTAL APPROPRIATION .....</b>                                 | <b>(\$364,184,000)</b> |
| .....  | \$365,820,000          |

The appropriations in this section are subject to the following conditions and limitations:

- (1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. Cessna pilots funded from the state patrol highway account who are certified to fly the King Airs may pilot those aircraft for general fund purposes with the general fund reimbursing the state patrol highway account an hourly rate to cover the costs incurred during the flights since the aviation section is no longer part of the Washington state patrol cost allocation system as of July 1, 2009.

- (2) The Washington state patrol shall continue to collaborate with the Washington traffic safety commission on the target zero trooper pilot program referenced in section 201(1) of this act.

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(3) \$370,000 of the state patrol highway account--state appropriation is provided solely for costs associated with the pilot program described under section 216(5) of this act. The Washington state patrol may incur costs related only to the assignment of cadets and necessary computer equipment and to the reimbursement of the Washington state department of transportation for contract costs. The appropriation in this subsection must be funded from the portion of the automated traffic safety camera fines deposited into the state patrol highway account; however, if the fines deposited into the state patrol highway account from automated traffic safety camera infractions do not reach three hundred seventy thousand dollars, the department of transportation shall remit funds necessary to the Washington state patrol to ensure the completion of the pilot program. The Washington state patrol may not incur overtime as a result of this pilot program. The Washington state patrol shall not assign troopers to operate or deploy the pilot program equipment used in the roadway construction zones.

(4) ~~(\$12,655,000)~~ \$12,166,000 of the total appropriation is provided solely for automobile fuel in the 2011-2013 fiscal biennium. The Washington state patrol shall analyze their fuel consumption and submit a report to the legislative transportation committees by December 31, 2011, on fuel conservation methods that could be used to minimize costs and ensure that the Washington state patrol is managing fuel consumption effectively.

(5) ~~(\$7,421,000)~~ \$7,672,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(6) ~~(\$6,611,000)~~ \$6,689,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(7) ~~(\$1,724,000)~~ \$1,730,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(8) \$1,200,000 of the total appropriation is provided solely for outfitting officers. The Washington state patrol shall prepare a cost-benefit analysis of the standard trooper uniform as compared to a battle dress uniform and uniforms used by other states and jurisdictions. The Washington state patrol shall report the results of the analysis to the transportation committees of the legislature by December 1, 2011.

(9) The Washington state patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the office of financial management and transportation committees of the legislature by September 30th of each year.

(10) During the 2011-2013 fiscal biennium, the Washington state patrol shall continue to perform traffic accident investigations on Thurston county roads, and shall work with Thurston county to transition the traffic accident investigations on Thurston county roads to Thurston county by July 1, 2013.

(11) ~~(\$100,000 of the vehicle licensing fraud account state appropriation is provided solely to support the transportation portion of the vehicle license fraud program during the 2011-2013 fiscal biennium)~~ \$2,187,000 of the state patrol highway account--state appropriation is provided solely for mobile office platforms.

(12) \$2,731,000 of the state patrol highway account--state appropriation is provided solely for the continuation of the target zero trooper program.

(13) \$712,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Second Substitute House Bill No. 2443), Laws of 2012 (DUI accountability). If chapter ... (Second Substitute House Bill No. 2443), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses. Additionally, the total highway

safety account--state appropriation in this section assumes the revenue generated by the fees that the Washington state patrol is authorized to charge manufacturers, technicians, and other providers under Second Substitute House Bill No. 2443. Within the amounts provided in this subsection is funding for three additional troopers to provide oversight of the ignition interlock industry.

**Sec. 208.** 2011 c 367 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

|   |                            |
|---|----------------------------|
| Marine Fuel Tax Refund Account--State Appropriation.....        | \$32,000                   |
| Motorcycle Safety Education Account--State                      |                            |
| Appropriation .....   | <del>(\$4,411,000)</del>   |
| .....   | <u>\$4,367,000</u>         |
| Wildlife Account--State Appropriation .....                     | <del>(\$859,000)</del>     |
| .....   | <u>\$826,000</u>           |
| Highway Safety Account--State Appropriation.....                | <del>(\$149,904,000)</del> |
| .....   | <u>\$148,102,000</u>       |
| Highway Safety Account--Federal Appropriation.....              | <del>(\$2,884,000)</del>   |
| .....   | <u>\$4,299,000</u>         |
| <u>Highway Safety Account--Private/Local Appropriation ....</u> | <u>\$200,000</u>           |
| Motor Vehicle Account--State Appropriation .....                | <del>(\$78,586,000)</del>  |
| .....   | <u>\$76,605,000</u>        |
| Motor Vehicle Account--Private/Local Appropriation.....         |                            |
| .....   | <del>(\$1,721,000)</del>   |
| .....   | <u>\$1,714,000</u>         |
| Motor Vehicle Account--Federal Appropriation .....              | <del>(\$242,000)</del>     |
| .....   | <u>\$380,000</u>           |
| Department of Licensing Services Account--State                 |                            |
| Appropriation .....   | <del>(\$5,815,000)</del>   |
| .....   | <u>\$6,095,000</u>         |
| Ignition Interlock Device Revolving Account--State              |                            |
| Appropriation .....   | \$1,315,000                |
| TOTAL APPROPRIATION.....  | <del>(\$245,769,000)</del> |
| .....   | <u>\$243,935,000</u>       |

The appropriations in this section are subject to the following conditions and limitations:

~~(1) (\$62,000 of the motor vehicle account state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 5251), Laws of 2011 (electric vehicle fee). If chapter ... (Engrossed Substitute Senate Bill No. 5251), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.~~

~~—(2))~~ \$231,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Substitute Senate Bill No. 5800), Laws of 2011 (off-road motorcycles). If chapter ... (Substitute Senate Bill No. 5800), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

~~((3))~~ (2) \$193,000 of the department of licensing services account--state appropriation is provided solely for a phased implementation of chapter ... (Substitute House Bill No. 1046), Laws of 2011 (vehicle and vessel quick titles). Funding is contingent upon revenues associated with the vehicle and vessel quick title program paying all direct and indirect expenditures associated with the department's implementation of this subsection. If chapter ... (Substitute House Bill No. 1046), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

~~((4) The department may seek federal funds to implement a driver's license and identicaid biometric matching system pilot program to verify the identity of applicants for, and holders of, drivers' licenses and identicards if applicants are provided the opportunity to opt out of participating in the program, which meets the requirement of RCW 46.20.037 that such a program be voluntary. If funds are received, the department shall report any~~

~~benefits or problems identified during the course of the pilot program to the transportation committees of the legislature upon the completion of the program.~~

~~—(5) \$1,938,000~~ (3) \$4,299,000 of the highway safety account--federal appropriation is for federal funds that may be received during the 2011-2013 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

~~((6))~~ (4) By December 31, 2011, the department shall submit to the office of financial management and the transportation committees of the legislature draft legislation that rewrites the tow truck statutes (chapter 46.55 RCW) in plain language and is revenue and policy neutral.

~~((7))~~ (5) \$128,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011 (driver's license exams). If chapter ... (Engrossed Substitute House Bill No. 1635), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

~~((8))~~ (6) \$68,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 ~~((driving under the influence))~~ (addressing DUI accountability). If chapter ... (Engrossed Second Substitute House Bill No. 1789), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

~~((9))~~ (7) \$63,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Substitute House Bill No. 1237), Laws of 2011 (selective service system). If chapter ... (Substitute House Bill No. 1237), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

~~((10))~~ (8) \$340,000 of the motor vehicle account--private/local appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 5457), Laws of 2011 (congestion reduction charge). If chapter ... (Engrossed Substitute Senate Bill No. 5457), Laws of 2011 is not enacted by June 30, 2011, the amount provided in this subsection lapses.

~~((11))~~ (9) \$1,738,000 of the department of licensing services account--state appropriation is provided solely for purchasing equipment for field licensing service offices and subagent offices.

(10) \$2,500,000 of the highway safety account--state appropriation is provided solely for information technology field system modernization.

(11) \$963,000 of the highway safety account--state appropriation is provided solely for implementation of chapter 374, Laws of 2011 (limousine carriers) and chapter 298, Laws of 2011 (master license service program).

(12) \$104,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Second Substitute Senate Bill No. 5251), Laws of 2012 (electric vehicle license fee). If chapter ... (Second Substitute Senate Bill No. 5251), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(13) \$176,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Second Substitute Senate Bill No. 5366), Laws of 2012 (four-wheel all-terrain vehicles). If chapter ... (Engrossed Second Substitute Senate Bill No. 5366), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(14) \$69,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 5990), Laws of 2012 (state flower license plate). If chapter ... (Engrossed Substitute Senate Bill No. 5990), Laws of 2012 is not enacted by June 30, 2012, the amount provided

in this subsection lapses.

(15) \$190,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Substitute Senate Bill No. 6075), Laws of 2012 (vehicle owner information). If chapter ... (Substitute Senate Bill No. 6075), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses. Additionally, the total appropriation in this section assumes the revenue generated by the fee established in Substitute Senate Bill No. 6075. Within the amounts provided in this subsection, the department must improve on the information that the department makes publicly available to victims of domestic violence and sexual assault on how to better protect their personal information, especially their residential addresses. Specifically, the department must provide a link to the secretary of state's address confidentiality program web site. The department also must provide information regarding a person's ability to provide a mailing address in addition to the person's residential address when registering a vehicle with the department.

(16) \$68,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Substitute Senate Bill No. 6123), Laws of 2012 (NRA license plate). If chapter ... (Substitute Senate Bill No. 6123), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(17) \$276,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 6150), Laws of 2012 (facial recognition matching system). If chapter ... (Engrossed Substitute Senate Bill No. 6150), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(18) Consistent with chapter ... (Engrossed Substitute Senate Bill No. 6150), Laws of 2012:

(a) The department shall post notices in conspicuous locations at all department driver licensing offices, make written information available to all applicants at department driver licensing offices, and provide information on the department's web site regarding the facial recognition matching system. The notices, written information, and information provided on the web site must address how the facial recognition matching system works, all ways in which the department may use results from the facial recognition matching system, how an investigation based on results from the facial recognition matching system would be conducted, and a person's right to appeal any determinations made under this chapter;

(b) The department shall report to the governor and the legislature by October 1, 2012, regarding the number of investigations initiated by the department based on results from the facial recognition matching system and the final outcomes of those investigations, if known; and

(c) The office of the chief information officer shall develop the appropriate security standards for the department's use of the facial recognition matching system, subject to approval and oversight by the technology services board.

(19) \$142,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 6455), Laws of 2012 (transportation revenue). If chapter ... (Engrossed Substitute Senate Bill No. 6455), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(20) \$323,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter ... (Engrossed Substitute Senate Bill No. 6582), Laws of 2012 (local transportation revenue options). If chapter ... (Engrossed Substitute Senate Bill No. 6582), Laws of 2012 is not enacted by June 30, 2012, the amount provided in this subsection lapses.

(21) Within the amounts provided in this section, the department must develop a transition plan for moving to a paperless

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renewal notice. The plan must consider people that do not have access to the internet and must include an opportunity for people to opt-in to a paper renewal notice. Prior to the implementation of a paperless renewal system, the department must consult with the joint transportation committee.

(22) Within existing resources, the department shall develop a plan to transition to a ten-year replacement license plate cycle. At a minimum the plan must include the following provisions: (a) A ten-year replacement cycle for license plates only on vehicles that are subject to annual vehicle registration renewal; (b) a requirement that new license plates and registration, including all fees and taxes due upon annual registration, are required when a vehicle changes ownership, except when a vehicle is sold to a vehicle dealer for resale, in which case they are due only when the dealer sells the vehicle; (c) an original issue license plate fee that is equal to the current license plate replacement fee; and (d) an estimate of the plan's costs to implement and revenues generated. The department shall submit the plan with draft legislation implementing the plan to the transportation committees of the legislature by December 31, 2012.

Sec. 209. 2011 c 367 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

|   |                |
|---|----------------|
| High Occupancy Toll Lanes Operations Account--State |                |
| Appropriation .....                                 | (\$1,295,000)  |
| .....   | \$1,276,000    |
| Motor Vehicle Account--State Appropriation .....    | (\$550,000)    |
| .....   | \$538,000      |
| Tacoma Narrows Toll Bridge Account--State           |                |
| Appropriation .....                                 | (\$23,429,000) |
| .....   | \$23,365,000   |
| State Route Number 520 Corridor Account--State      |                |
| Appropriation .....                                 | \$27,295,000   |
| State Route Number 520 Civil Penalties              |                |
| Account--State Appropriation .....                  | (\$4,622,000)  |
| .....   | \$3,622,000    |
| TOTAL APPROPRIATION .....                           | (\$57,191,000) |
| .....   | \$56,096,000   |

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(2) (((\$4,622,000)) \$3,622,000) of the state route number 520 civil penalties account--state appropriation and \$1,458,000 of the Tacoma Narrows toll bridge account--state appropriation are provided solely for expenditures related to the toll adjudication process. All costs associated with the toll adjudication process are anticipated to be covered by revenue collected from the toll adjudication process. The department shall report quarterly on the civil penalty process to the office of financial management and the house of representatives and senate transportation committees beginning September 30, 2011. The reports must include a summary table for each toll facility that includes: The number of notices of civil penalty issued; the number of recipients who pay before the notice becomes a penalty; the number of recipients who request a hearing and the number who do not respond; workload costs related to hearings; the cost and effectiveness of debt collection activities; and revenues generated from notices of civil penalty.

(3) It is the intent of the legislature that transitioning to a statewide tolling operations center and preparing for all-electronic tolling on certain toll facilities will have no adverse revenue or expenditure impact on the Tacoma Narrows toll bridge account. Any increased costs related to this transition shall not be allocated to the Tacoma Narrows toll bridge account. All costs associated with the toll adjudication process are anticipated to be covered by revenue collected from the toll adjudication process.

(4) The department shall ensure that, at no cost to the Tacoma Narrows toll bridge account, new electronic tolling tag readers are installed on the Tacoma Narrows bridge as soon as practicable that are able to read existing and new electronic tolling tags.

(5) \$17,786,000 of the state route number 520 corridor account-- state appropriation is provided solely for nonvendor costs associated with tolling the state route number 520 bridge. Funds from the state route number 520 corridor account--state appropriation shall not be used to pay for items prohibited by Executive Order No. 1057, including subscriptions to technical publications, employee educational expenses, professional membership dues and fees, employee recognition and safety awards, meeting meals and light refreshments, commute trip reduction incentives, and employee travel.

Sec. 210. 2011 c 367 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C**

|   |                                    |
|---|------------------------------------|
| Motor Vehicle Account--State Appropriation .....    | (\$69,107,000)                     |
| .....   | \$67,398,000                       |
| Transportation Partnership Account--State           |                                    |
| Appropriation .....                                 | \$1,460,000                        |
| Multimodal Transportation Account--State            |                                    |
| Appropriation .....                                 | \$363,000                          |
| Transportation 2003 Account (Nickel Account)--State |                                    |
| Appropriation .....                                 | \$1,460,000                        |
| .....   | TOTAL APPROPRIATION (\$72,390,000) |
| .....   | \$70,681,000                       |

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of ((information)) enterprise services to: (a) Ensure that the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) \$1,460,000 of the transportation partnership account--state appropriation and \$1,460,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for maintaining the department's project management reporting system.

(3) \$210,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(((\$5)) (4) \$502,000 of the motor vehicle account--state appropriation is provided solely to provide support for the transportation executive information system.

Sec. 211. 2011 c 367 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING**

|  |                |
|--|----------------|
| Motor Vehicle Account--State Appropriation ..... | (\$25,851,000) |
| .....  | \$25,466,000   |

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall submit a predesign proposal for a new traffic management center to the office of financial management consistent with the process followed by nontransportation capital construction projects. The department shall not award a contract for construction of a new traffic management center until the predesign proposal has been submitted and the office of financial management has completed a budget evaluation study that indicates a new building is the recommended option for accommodating additional traffic management operations.

(2) \$850,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

**Sec. 212.** 2011 c 367 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

|  |               |
|--|---------------|
| Aeronautics Account--State Appropriation .....   | (\$6,066,000) |
| .....  | \$6,002,000   |
| Aeronautics Account--Federal Appropriation ..... | \$2,150,000   |
| TOTAL APPROPRIATION .....                        | (\$8,216,000) |
| .....  | \$8,152,000   |

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the aeronautics account--state appropriation is a reappropriation provided solely to complete runway preservation projects.

**Sec. 213.** 2011 c 367 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H**

|  |                |
|--|----------------|
| Motor Vehicle Account--State Appropriation .....   | (\$47,418,000) |
| .....  | \$45,796,000   |
| Motor Vehicle Account--Federal Appropriation ..... | \$500,000      |
| Multimodal Transportation Account--State           |                |
| Appropriation .....                                | \$250,000      |
| TOTAL APPROPRIATION .....                          | (\$48,168,000) |
| .....  | \$46,546,000   |

The appropriations in this section are subject to the following conditions and limitations:

~~(1) (The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system. The department shall also provide updated information on six project milestones for projects funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis.~~

~~—(2))~~ (2)) \$3,754,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

~~((3))~~ (2) It is the intent of the legislature that ((the real estate services division of the department will recover the cost of its efforts from future sale proceeds)) future surplus property sale proceeds support the efforts of the real estate services division of the department.

~~((4))~~ (3) The legislature recognizes that the Dryden pit site (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned real property under the jurisdiction of the department of transportation, and that the public would benefit significantly from the complete enjoyment of the natural scenic beauty and recreational opportunities available at the site. Therefore, pursuant to RCW 47.12.080, the legislature declares that transferring the property to the department of fish and wildlife for recreational use and fish and wildlife restoration efforts is consistent with the public

interest in order to preserve the area for the use of the public and the betterment of the natural environment. The department of transportation shall work with the department of fish and wildlife, and shall transfer and convey the Dryden pit site to the department of fish and wildlife as is for an adjusted fair market value reflecting site conditions, the proceeds of which must be deposited in the motor vehicle fund. The department of transportation is not responsible for any costs associated with the cleanup or transfer of this property. By July 1, 2011, and annually thereafter until the entire Dryden pit property has been transferred, the department shall submit a status report regarding the transaction to the chairs of the legislative transportation committees.

(4) Consistent with chapter . . . (Engrossed Second Substitute House Bill No. 2238), Laws of 2012 (wetlands mitigation) and to the extent practicable, the department shall work with the department of ecology and the department of fish and wildlife to determine if the department can utilize the following three programs as opportunities for mitigation of environmental impacts from projects: The forestry riparian easement program; the family forest fish passage program; and the riparian open space program. The department shall provide a report to the legislature by December 31, 2012, on results of this effort. The use of these programs is not intended to be additive to existing compensatory mitigation.

**Sec. 214.** 2011 c 367 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K**

|  |             |
|--|-------------|
| Motor Vehicle Account--State Appropriation .....       | (\$622,000) |
| .....  | \$602,000   |
| Multimodal Transportation Account--State Appropriation | \$110,000   |
| TOTAL APPROPRIATION .....                              | (\$732,000) |
| .....  | \$712,000   |

The appropriations in this section are subject to the following conditions and limitations: The department shall conduct a study on the potential to generate revenue from off-premise outdoor advertising signs that are erected or maintained adjacent and visible to the interstate system highways, primary system highways, or scenic system highways. The study must provide an evaluation of the market for outdoor advertising signs, including an evaluation of the number of potential advertisers and the amount charged by other jurisdictions for sign permits, and must provide a recommendation for a revised fee structure that recognizes the market value for off-premise signs and considers charging differential fees based on the size, type, and location of the sign.

**Sec. 215.** 2011 c 367 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

|  |                 |
|--|-----------------|
| Motor Vehicle Account--State Appropriation .....   | (\$380,327,000) |
| .....  | \$373,709,000   |
| Motor Vehicle Account--Federal Appropriation ..... | \$7,000,000     |
| TOTAL APPROPRIATION .....                          | (\$387,327,000) |
| .....  | \$380,709,000   |

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state appropriation into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(2) \$7,000,000 of the motor vehicle account--state appropriation is provided solely for third-party damages to the highway system where the responsible party is known and reimbursement is anticipated. The department shall request additional appropriation

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authority for any funds received for reimbursements of third-party damages that are in excess of this appropriation.

(3) \$7,000,000 of the motor vehicle account--federal appropriation is for unanticipated federal funds that may be received during the 2011-2013 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(4) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.

(5) \$4,530,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(6) The department shall continue to report maintenance accountability process (MAP) targets and achievements on an annual basis. The department shall use available funding to target and deliver a minimum MAP grade of C for the activity of roadway striping.

(7) \$6,884,000 of the motor vehicle account--state appropriation is provided solely for the high priority maintenance backlog. Addressing the maintenance backlog must result in increased levels of service. If chapter . . . (Engrossed Substitute Senate Bill No. 5251), Laws of 2011 (electric vehicle fee) is not enacted by June 30, 2011, \$500,000 of the appropriation provided in this subsection lapses.

(8) (~~(\$317,000 of the motor vehicle account--state appropriation is provided solely for maintaining a new active traffic management system on Interstate 5, Interstate 90, and state route number 520.)~~) The department shall track the costs associated with ~~((these))~~ active traffic management systems on a corridor basis and report to the transportation committees of the legislature on the costs and benefits of the systems by December 1, 2011.

**Sec. 216.** 2011 c 367 s 216 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q-- OPERATING**

|  |                           |
|--|---------------------------|
| Motor Vehicle Account--State Appropriation .....     | <del>(\$50,166,000)</del> |
| .....  | \$48,818,000              |
| Motor Vehicle Account--Federal Appropriation.....    | \$2,050,000               |
| Motor Vehicle Account--Private/Local Appropriation.. | <del>(\$127,000)</del>    |
|  | \$250,000                 |
| TOTAL APPROPRIATION.....                             | <del>(\$52,343,000)</del> |
| .....  | \$51,118,000              |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. Of this amount, \$10,000 of the motor vehicle account--state appropriation is provided solely for the department to install additional farm machinery signs to promote safety in agricultural areas along state highways. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By ~~((September))~~ October 1st of each ~~((even))~~ odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) \$145,000 of the motor vehicle account--state appropriation is provided solely for the department to continue a pilot tow truck incentive program and to expand the program to other areas of the state. The department may provide incentive payments to towing

companies that meet clearance goals on accidents that involve heavy trucks.

(3) During the 2011-2013 fiscal biennium, the department shall implement a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. By June 30, 2013, the department shall report to the transportation committees of the legislature on whether private transportation provider use of high occupancy vehicle lanes under the pilot program reduces the speeds of high occupancy vehicle lanes. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure. If chapter ... (Substitute Senate Bill No. 5836), Laws of 2011 is enacted by June 30, 2011, this subsection is null and void.

(4) \$9,000,000 of the motor vehicle account--state appropriation is provided solely for the department's incident response program.

(5) The department, in consultation with the Washington state patrol, must continue a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways. The department must report to the joint transportation committee by January 1, 2012, and January 1, 2013, on the status of this pilot program. For the purpose of this pilot program, during the 2011-2013 fiscal biennium, a roadway construction zone includes areas where public employees or private contractors may be present or where a driving condition exists that would make it unsafe to drive at higher speeds, such as, when the department is redirecting or realigning lanes on any public roadway pursuant to ongoing construction. The department shall use the following guidelines to administer the program:

(a) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(b) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(c) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(d) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(e) For purposes of the 2011-2013 fiscal biennium pilot program, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record

under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the fine issued under this subsection (5) for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account; and

(f) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction must be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use.

(6) The department shall track the costs associated with active traffic management systems on a corridor basis and report to the transportation committees of the legislature on the cost and benefits of the systems by December 1, 2011.

**Sec. 217.** 2011 c 367 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

|  |                     |
|--|---------------------|
| Motor Vehicle Account--State Appropriation .....   | (\$28,430,000))     |
| .....  | <u>\$27,389,000</u> |
| Motor Vehicle Account--Federal Appropriation ..... | \$30,000            |
| Multimodal Transportation Account--State           |                     |
| Appropriation .....                                | \$973,000           |
| TOTAL APPROPRIATION .....                          | (\$29,433,000))     |
| .....  | <u>\$28,392,000</u> |

The appropriations in this section are subject to the following conditions and limitations: The department shall utilize existing resources and customer service staff to develop and implement new policies and procedures to ensure compliance with new federal passenger vessel Americans with disabilities act requirements.

**Sec. 218.** 2011 c 367 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

|  |                     |
|--|---------------------|
| Motor Vehicle Account--State Appropriation ...     | (\$23,394,000))     |
| .....  | <u>\$22,114,000</u> |
| Motor Vehicle Account--Federal Appropriation ..... | \$21,885,000        |
| Multimodal Transportation Account--State           |                     |
| Appropriation .....                                | \$662,000           |
| Multimodal Transportation Account--Federal         |                     |
| Appropriation .....                                | \$3,559,000         |
| Multimodal Transportation Account--Private/Local   |                     |
| Appropriation .....                                | \$100,000           |
| TOTAL APPROPRIATION .....                          | (\$49,600,000))     |
| .....  | <u>\$48,320,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$70,000 of the motor vehicle account--state appropriation is a reappropriation provided solely for a corridor study of state route

number 516 from the eastern border of Maple Valley to state route number 167 to determine whether improvements are needed and the costs of any needed improvements.

(2) \$200,000 of the motor vehicle account--state appropriation is provided solely for extending the freight database pilot project that began in 2009. Global positioning system (GPS) data is intended to help guide freight investment decisions and track highway project effectiveness as it relates to freight traffic.

(3) Within available resources, the department must collaborate with the affected metropolitan planning organizations, regional transportation planning organizations, transit agencies, and private transportation providers to develop a plan to reduce vehicle demand, increase public transportation options, and reduce vehicle miles traveled on corridors affected by growth at Joint Base Lewis-McChord.

(4) As part of their ongoing regional transportation planning, the regional transportation planning organizations across the state shall work together to provide a comprehensive framework for sources and uses of next-stage investments in transportation needed to improve structural conditions and ongoing operations and lay the groundwork for the transportation systems to support the long-term economic vitality of the state. This planning must include all forms of transportation to reflect the state's interests, including: Highways, streets, and roads; ferries; public transportation; systems for freight; and walking and biking systems. The department shall support this planning by providing information on potential state transportation uses and an analysis of potential sources of revenue to implement investments. In carrying out this planning, regional transportation planning organizations must be broadly inclusive of business, civic, labor, governmental, and environmental interests in regional communities across the state.

(5) The total appropriation provided in this section assumes enactment of chapter ... (Second Substitute Senate Bill No. 5128), Laws of 2012 (statewide transportation planning) and reflects an accompanying cost savings of at least five hundred thousand dollars.

**Sec. 219.** 2011 c 367 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES-- PROGRAM U**

|  |                     |
|--|---------------------|
| Motor Vehicle Account--State Appropriation .....   | (\$85,209,000))     |
| .....  | <u>\$74,786,000</u> |
| Motor Vehicle Account--Federal Appropriation ..... | \$400,000           |
| Multimodal Transportation Account--State           |                     |
| Appropriation .....                                | (\$3,320,000))      |
| .....  | <u>\$1,798,000</u>  |
| TOTAL APPROPRIATION .....                          | (\$88,929,000))     |
| .....  | <u>\$76,984,000</u> |

~~((The appropriations in this section are subject to the following conditions and limitations:~~

~~—(1) The office of financial management must provide a detailed accounting of the revenues and expenditures of the self insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.~~

~~—(2) Payments in this section represent charges from other state agencies to the department of transportation.~~

~~—(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT~~

~~DIVISION OF RISK MANAGEMENT FEES .....~~ \$1,639,000

~~—(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR .....~~ \$937,000

~~—(c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF~~

~~GENERAL ADMINISTRATION .....~~ \$6,060,000

~~—(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF~~

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|  |                        |
|--|------------------------|
| PERSONNEL .....  | \$6,347,000            |
| <del>— (e) FOR PAYMENT OF SELF INSURANCE LIABILITY</del>   |                        |
| PREMIUMS AND ADMINISTRATION .....                          | \$44,418,000           |
| <del>— (f) FOR ARCHIVES AND RECORDS MANAGEMENT .....</del> |                        |
| <del>.....</del>   | <del>\$623,000</del>   |
| <del>— (g) FOR OFFICE OF MINORITIES AND WOMEN</del>        |                        |
| <del>BUSINESS</del>  |                        |
| ENTERPRISES .....  | \$1,008,000            |
| <del>— (h) FOR USE OF FINANCIAL AND REPORTING</del>        |                        |
| <del>SYSTEMS</del>   |                        |
| <del>PROVIDED BY THE OFFICE OF FINANCIAL</del>             |                        |
| <del>MANAGEMENT .....</del>                                | <del>\$1,143,000</del> |
| <del>— (i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE</del> |                        |
| <del>DEPARTMENT OF INFORMATION SERVICES .....</del>        | <del>\$1,980,000</del> |
| <del>— (j) FOR LEGAL SERVICE PROVIDED BY THE</del>         |                        |
| <del>ATTORNEY</del>  |                        |
| <del>GENERAL'S OFFICE .....</del>                          | <del>\$8,526,000</del> |
| <del>— (k) FOR LEGAL SERVICE PROVIDED BY THE</del>         |                        |
| <del>ATTORNEY</del>  |                        |
| <del>GENERAL'S OFFICE FOR THE SECOND PHASE OF THE</del>    |                        |
| <del>BOLDT</del>   |                        |
| LITIGATION .....   | \$672,000))            |

Sec. 220. 2011 c 367 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V**

|   |                             |
|---|-----------------------------|
| State Vehicle Parking Account--State Appropriation..... | \$452,000                   |
| Regional Mobility Grant Program Account--State          |                             |
| Appropriation .....                                     | \$48,942,000                |
| Multimodal Transportation Account--State                |                             |
| Appropriation .....                                     | <del>(\$41,706,000))</del>  |
| .....   | <del>\$41,471,000</del>     |
| Multimodal Transportation Account--Federal              |                             |
| Appropriation .....                                     | \$2,582,000                 |
| Multimodal Transportation Account--Private/Local        |                             |
| Appropriation .....                                     | \$1,027,000                 |
| Rural Mobility Grant Program Account--State             |                             |
| Appropriation .....                                     | \$17,000,000                |
| TOTAL APPROPRIATION.....                                | <del>(\$111,709,000))</del> |
| .....   | <del>\$111,474,000</del>    |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the ~~((amount provided in this subsection))~~ multimodal transportation account--state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the ~~((amount provided in this subsection))~~ multimodal transportation account--state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2009 as reported in the "Summary of Public Transportation - 2009" published by the

department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$8,500,000 of the rural mobility grant program account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the "Summary of Public Transportation - 2009" published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs. If the funding provided in this subsection (2)(a) exceeds the amount required for recipient counties to reach eighty percent of the average per capita sales tax, funds in excess of that amount may be used for the competitive grant process established in (b) of this subsection.

(b) \$8,500,000 of the rural mobility grant program account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3)(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(c) \$520,000 of the amount provided in this subsection is provided solely for the purchase of additional vans for use by vanpools serving soldiers and civilian employees at Joint Base Lewis-McChord.

(4) \$8,942,000 of the regional mobility grant program account--state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2007-B, as developed April 20, 2007, or LEAP Transportation Document 2009-B, as developed April 24, 2009))~~ 2012-1 ALL PROJECTS - Public Transportation - Program (V) as developed February 21, 2012. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in ~~((=))~~ the LEAP Transportation Document ((2007-B, as developed April 20, 2007; LEAP Transportation Document 2009-B, as developed April 24, 2009; or LEAP Transportation Document 2011-B, as developed April 19, 2011)) referenced in this subsection. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule and that all funds in the regional mobility grant program be used as soon as practicable to advance eligible projects.

(5)(a) \$40,000,000 of the regional mobility grant program account-- state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2011-B, as developed April 19, 2011))~~ 2012-1 ALL PROJECTS - Public Transportation - Program (V) as developed February 21, 2012. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress.

Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP Transportation Document ((2011-B, as developed April 19, 2011)) referenced in this subsection. The department shall provide annual status reports on December 15, 2011, and December 15, 2012, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2011-2013 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) \$2,309,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(7) \$200,000 of the multimodal transportation account--state appropriation is contingent on the timely development of an annual report summarizing the status of public transportation systems as identified under RCW 35.58.2796.

(8) Funds provided for the commute trip reduction program may also be used for the growth and transportation efficiency center program.

(9) An affected urban growth area that has not previously implemented a commute trip reduction program is exempt from the requirements in RCW 70.94.527 if a solution to address the state highway deficiency that exceeds the person hours of delay threshold has been funded and is in progress during the 2011-2013 fiscal biennium.

Sec. 221. 2011 c 367 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

|   |                                |
|---|--------------------------------|
| Puget Sound Ferry Operations Account--State |                                |
| Appropriation .....                         | (( <del>\$467,773,000</del> )) |
| .....                                       | <u>\$468,135,000</u>           |

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2011-2013 supplemental and 2013-2015 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

~~((5))~~ (3) Until a reservation system is operational on the San Juan islands inner-island route, the department shall provide the same priority loading benefits on the San Juan islands inner-island route to home health care workers as are currently provided to patients traveling for purposes of receiving medical treatment.

~~((6))~~ (4) The department shall request from the United States coast guard variable minimum staffing levels on all of its vessels by December 31, 2011.

~~((4))~~ (5) The department shall continue to provide service to Sidney, British Columbia and shall explore the option of purchasing a foreign built vehicle and passenger ferry vessel either with safety of life at sea (SOLAS) certification or the ability to be retrofitted for SOLAS certification to operate solely on the Anacortes to Sidney, British Columbia route currently served by vessels of the Washington state ferries fleet. The vessel should have the capability of carrying at least one hundred standard vehicles and approximately four hundred to five hundred passengers. Further, the department shall explore the possibilities of contracting a commercial company to operate the vessel exclusively on this route so long as the contractor's employees assigned to the vessel are represented by the same employee organizations as the Washington state ferries. The department shall report back to the transportation committees of the legislature regarding: The availability of a vessel; the cost of the vessel, including transport to the Puget Sound region; and the need for any statutory changes for the operation of the Sydney, British Columbia service by a private company.

~~((4))~~ (6) For the 2011-2013 fiscal biennium, the department of transportation may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

~~((12))~~ The department shall target service reductions totaling \$4,000,000, such that the shortening of shoulder seasons and eliminations of off peak runs on all routes are considered. Prior to implementing the reductions, the department shall consult with ferry employees and ferry advisory committees to determine which reductions would impact the fewest number of riders. The reductions must be identified and implementation must begin no later than the fall 2011 schedule.

~~((3))~~ (7) \$135,248,000 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2011-2013 fiscal biennium. The amount provided in this appropriation represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

~~((4))~~ (8) \$150,000 of the Puget Sound ferry operations account-- state appropriation is provided solely for the department to increase recreation and tourist ridership by entering into agreements for marketing and outreach strategies with local economic development agencies. The department shall identify the number of tourist and recreation riders on the applicable ferry routes both before and after implementation of marketing and outreach strategies developed through the agreements. The department shall report results of the marketing and outreach strategies to the transportation committees of the legislature by October 15, 2012.

~~((5))~~ (9) The Washington state ferries shall participate in the facilities plan included in section 604 of this act and shall include an investigation and identification of less costly relocation options for the Seattle headquarters office. The department shall include relocation options for the Washington state ferries Seattle headquarters office in the facilities plan. Until September 1, 2012, the department may not enter into a lease renewal for the Seattle headquarters office.

~~((6))~~ (10) The department, office of financial management, and transportation committees of the legislature shall make recommendations regarding an appropriate budget structure for the Washington state ferries. The recommendation may include a potential restructuring of the Washington state ferries budget. The

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recommendation must facilitate transparency in reporting and budgeting as well as provide the opportunity to link revenue sources with expenditures. Findings and recommendations must be reported to the office of financial management and the joint transportation committee by September 1, 2011.

~~((17))~~ (11) Two Kwa-di-tabil class ferry vessels must be placed on the Port Townsend/Coupeville (Keystone) route to provide service at the same levels provided when the steel electric vessels were in service. After the vessels as funded under section 308~~((7))~~ (5) of this act are in service, the two most appropriate of these vessels for the Port Townsend/Coupeville (Keystone) route must be placed on the route. \$100,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the additional staffing required to maintain a reservation system at this route when the second vessel is in service.

~~((19))~~ (12) \$706,000 of the Puget Sound ferry operations account--state appropriation is provided solely for terminal operations to implement new federal passenger vessel Americans with disabilities act requirements.

~~((20))~~ (13) \$152,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

~~((21) If chapter ... (Substitute House Bill No. 2053), Laws of 2011 (additive transportation funding) is not enacted by June 30, 2011, the \$4,000,000 in service reductions identified in subsection (12) of this section must be restored and an identical amount must be reduced from the amount provided for the second 144 car vessel identified in section 308(8) of this act.)~~

**Sec. 222.** 2011 c 367 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**  
Multimodal Transportation Account--State

Appropriation.....~~((29,688,000))~~  
.....\$33,342,000

Multimodal Transportation Account--Federal  
Appropriation.....~~((300,000))~~  
.....\$400,000

TOTAL APPROPRIATION.....~~((29,988,000))~~  
.....\$33,742,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((24,091,000))~~ \$27,816,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining state-supported passenger rail service. The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review fares or fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits for increased revenue due to higher ridership, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account--state appropriation, which must be placed in reserve. Upon completion of the rail platform project in the city of Stanwood, the department shall continue to provide daily Amtrak Cascades service to the city.

(2) Amtrak Cascade runs may not be eliminated.

(3) The department shall plan for a third roundtrip Cascades train between Seattle and Vancouver, B.C.

(4) The department shall conduct a pilot program by partnering with the travel industry on the Amtrak Cascades service between

Vancouver, British Columbia, and Seattle to test opportunities for increasing ridership, maximizing farebox recovery, and stimulating private investment. The pilot program must run from July 1, 2011, to June 30, 2012. The department shall report on the results of the pilot program to the office of financial management and the legislature by September 30, 2012.

**Sec. 223.** 2011 c 367 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z-- OPERATING**

Motor Vehicle Account--State Appropriation.....~~((8,853,000))~~  
.....\$8,518,000  
Motor Vehicle Account--Federal Appropriation.....\$2,567,000  
TOTAL APPROPRIATION.....~~((11,420,000))~~  
.....\$11,085,000

The appropriations in this section are subject to the following conditions and limitations: The department shall submit a report to the transportation committees of the legislature by December 1, 2011, on the implementation of the recommendations that resulted from the evaluation of efficiencies in the delivery of transportation funding and services to local governments that was required under section 204(8), chapter 247, Laws of 2010. The report must include a description of how recommendations were implemented, what efficiencies were achieved, and an explanation of any recommendations that were not implemented.

**TRANSPORTATION AGENCIES—CAPITAL**

**Sec. 301.** 2011 c 367 s 301 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**  
State Patrol Highway Account--State Appropriation.....~~((6,487,000))~~  
.....\$6,681,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~((653,000))~~ \$1,357,000 of the state patrol highway account-- state appropriation is provided solely for the following minor works projects: \$200,000 for emergency infrastructure repairs; \$75,000 for water and sewer upgrades; \$210,000 for emergency backup system replacement; \$85,000 for chiller replacement; ~~(and)~~ \$83,000 for roof replacements; \$128,000 for septic system repairs; and \$576,000 for HVAC replacement and energy upgrades.

(2) ~~((3,226,000))~~ \$4,903,000 of the state patrol highway account-- state appropriation is provided solely for the Shelton academy of the Washington state patrol for the new waste water treatment lines, waste water plants, water lines, and water systems. ~~((However, \$2,129,000 of this amount is contingent on the department of corrections receiving funding for its portion of the regional water project in the 2011-2013 omnibus capital appropriations act. If this funding is not provided by June 30, 2011, \$2,129,000 of the appropriation provided in this subsection lapses.))~~

(3) \$421,000 of the state patrol highway account--state appropriation is provided solely for the reappropriation of the Shelton regional water project.

(4) ~~((2,187,000 of the total appropriation is provided solely for mobile office platforms.~~

~~((5))~~ It is the intent of the legislature that the omnibus operating appropriations act provide funding for the portion of any applicable debt service payments, resulting from financial contracts identified under section 601 of this act, that are attributable to the general fund as identified in the Washington state patrol's cost allocation model.

**Sec. 302.** 2011 c 367 s 302 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

|   |                     |
|---|---------------------|
| Motor Vehicle Account--State Appropriation .....                                  | \$874,000           |
| Rural Arterial Trust Account--State Appropriation...( <del>(\$37,417,000)</del> ) |                     |
| .....   | <u>\$62,510,000</u> |
| County Arterial Preservation Account--State                                       |                     |
| Appropriation .....   | \$29,360,000        |
| TOTAL APPROPRIATION.....( <del>(\$67,651,000)</del> )                             |                     |
| .....   | <u>\$92,744,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$874,000 of the motor vehicle account--state appropriation may be used for county ferry projects as developed pursuant to RCW 47.56.725(4).

(2) (~~(\$37,417,000)~~) \$62,510,000 of the rural arterial trust account--state appropriation is provided solely for county road preservation grant projects as approved by the county road administration board. These funds may be used to assist counties recovering from federally declared emergencies by providing capitalization advances and local match for federal emergency funding, and may only be made using existing fund balances. It is the intent of the legislature that the rural arterial trust account be managed based on cash flow. The county road administration board shall specifically identify any of the selected projects and shall include information concerning the selected projects in its next annual report to the legislature.

**Sec. 303.** 2011 c 367 s 303 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

|  |                                |
|--|--------------------------------|
| Small City Pavement and Sidewalk Account--State        |                                |
| Appropriation .....                                    | ( <del>(\$3,812,000)</del> )   |
| .....  | <u>\$5,270,000</u>             |
| Transportation Improvement Account--State              |                                |
| Appropriation .....                                    | ( <del>(\$201,050,000)</del> ) |
| .....  | <u>\$237,545,000</u>           |
| TOTAL APPROPRIATION.....( <del>(\$204,862,000)</del> ) |                                |
| .....  | <u>\$242,815,000</u>           |

The appropriations in this section are subject to the following conditions and limitations: The transportation improvement account--state appropriation includes up to \$22,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

**Sec. 304.** 2011 c 367 s 304 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--FACILITIES--PROGRAM D--(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

|  |                              |
|--|------------------------------|
| Motor Vehicle Account--State Appropriation ..... | ( <del>(\$5,433,000)</del> ) |
| .....  | <u>\$5,545,000</u>           |
| Transportation Partnership Account--State        |                              |
| Appropriation .....                              | <u>\$1,575,000</u>           |
| TOTAL APPROPRIATION.....                         | <u>\$7,120,000</u>           |

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,364,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region site acquisition debt service payments and administrative costs associated with capital improvement and preservation project and financial management.

(2) (~~(\$3,669,000)~~) \$3,781,000 of the motor vehicle account--state appropriation is provided solely for high priority safety projects that are directly linked to employee safety, environmental risk, or minor works that prevent facility deterioration.

(3) \$400,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(4) \$1,575,000 of the transportation partnership account--state appropriation is provided solely for the traffic management center (100010T).

(5) The department shall make all future requests for the construction of new buildings and facilities within Facilities--Program D--(Department of Transportation-Only Projects)--Capital. Each capital facility construction project must be listed in this program's capital facilities project list submitted by the department as part of its budget submittal. It is the intent of the legislature that the construction of buildings and facilities is not appropriated through the capital highway improvements appropriation.

**Sec. 305.** 2011 c 367 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

|  |                                  |
|--|----------------------------------|
| ( <del>Multimodal Transportation Account--State</del> )                        |                                  |
| Appropriation .....  | <del>\$1,000</del>               |
| Transportation Partnership Account--State                                      |                                  |
| Appropriation .....  | ( <del>(\$1,991,547,000)</del> ) |
| .....  | <u>\$1,632,450,000</u>           |
| Motor Vehicle Account--State Appropriation .....                               | ( <del>(\$86,139,000)</del> )    |
| .....  | <u>\$103,454,000</u>             |
| Motor Vehicle Account--Federal Appropriation ...( <del>(\$450,691,000)</del> ) |                                  |
| .....  | <u>\$841,365,000</u>             |
| Motor Vehicle Account--Private/Local   |                                  |
| Appropriation .....  | ( <del>(\$50,485,000)</del> )    |
| .....  | <u>\$128,783,000</u>             |
| Transportation 2003 Account (Nickel Account)--State                            |                                  |
| Appropriation .....  | ( <del>(\$436,005,000)</del> )   |
| .....  | <u>\$416,123,000</u>             |
| State Route Number 520 Corridor Account--State                                 |                                  |
| Appropriation .....  | ( <del>(\$1,019,460,000)</del> ) |
| .....  | <u>\$1,779,000,000</u>           |
| Special Category C Account--State Appropriation .....                          | <u>\$124,000</u>                 |
| Tacoma Narrows Toll Bridge Account--State                                      |                                  |
| Appropriation .....  | <u>\$5,791,000</u>               |
| TOTAL APPROPRIATION.....( <del>(\$4,034,328,000)</del> )                       |                                  |
| .....  | <u>\$4,888,228,000</u>           |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2011-1~~)) 2012-2 as developed ((~~April 19, 2014~~)) February 21, 2012, Program - Highway Improvement Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) (~~The department shall, on a quarterly basis beginning July 1, 2011, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects must be reported on a programmatic basis. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget. Report formatting and elements must be consistent with the October 2009 quarterly project report. The department shall also provide the information required under this subsection on a quarterly basis.~~)

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~~((3))~~ Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

~~((4))~~ (3) The department shall apply for surface transportation program enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in programs I and P including, but not limited to, the state route number 518, state route number 520, Columbia river crossing, and Alaskan Way viaduct projects.

~~((5))~~ (4) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the state route number 520 bridge replacement and HOV project and the Columbia river crossing project. The federal funds described in this subsection must not include those federal transit administration funds distributed by formula. The department shall provide a report regarding this effort to the legislature by October 1, 2011.

~~((7))~~ (5) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all mega-highway projects and large ferry terminal projects. These projects must be conducted with active archaeological management. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

~~((8))~~ (6) For highway construction projects where the department considers agricultural lands of long-term commercial significance, as defined in RCW 36.70A.030, in reviewing and selecting sites to meet environmental mitigation requirements under the national environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental policy act (chapter 43.21C RCW), the department shall, to the greatest extent possible, consider using public land first. If public lands are not available that meet the required environmental mitigation needs, the department may use other sites while making every effort to avoid any net loss of agricultural lands that have a designation of long-term commercial significance.

~~((9))~~ (7) \$561,000 of the transportation partnership account--state appropriation and ~~((1,245,000))~~ \$1,176,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for project OBI4ENV, Environmental Mitigation Reserve - Nickel/TPA project, as indicated in the LEAP transportation document referenced in subsection (1) of this section. Funds may be used only for environmental mitigation work that is required by permits that were issued for projects funded by the transportation partnership account or transportation 2003 account (nickel account). ~~((As part of the 2012 budget submittal, the department shall provide a list of all projects and associated amounts that are being charged to project OBI4ENV during the 2011-2013 fiscal biennium.~~

~~((10))~~ (8) The transportation 2003 account (nickel account)--state appropriation includes up to ~~((361,005,000))~~ \$338,751,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

~~((11))~~ (9) The transportation partnership account--state appropriation includes up to ~~((1,427,696,000))~~ \$968,396,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

~~((12))~~ (10) The motor vehicle account--state appropriation includes up to ~~((66,373,000))~~ \$45,870,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

~~((13))~~ (11) The state route number 520 corridor account--state appropriation includes up to ~~((987,717,000))~~ \$1,779,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.879.

~~((14))~~ (12) \$767,000 of the motor vehicle account--state appropriation and ~~((4,027,000))~~ \$3,736,000 of the motor vehicle account--federal appropriation are provided solely for the US 2 High Priority Safety project (100224I). Expenditure of these funds is for safety projects on state route number 2 between Monroe and Gold Bar, which may include median rumble strips, traffic cameras, and electronic message signs.

~~((15))~~ (13) \$820,000 of the motor vehicle account--federal appropriation, \$16,308,000 of the motor vehicle account--private/local appropriation, and ~~((22,000))~~ \$48,000 of the motor vehicle account--state appropriation are provided solely for the US 2/Bickford Avenue - Intersection Safety Improvements project (100210E).

~~((16))~~ (14) \$595,000 of the motor vehicle account--state appropriation is provided solely for environmental work on the Belfair Bypass project (300344C).

~~((17))~~ (15) \$372,000 of the motor vehicle account--federal appropriation and ~~((3,000))~~ \$9,000 of the motor vehicle account--state appropriation are provided solely for the I-5/Vicinity of Joint Base Lewis-McChord - Install Ramp Meters project (300596M).

~~((18))~~ (16) \$202,863,000 of the transportation partnership account--state appropriation and ~~((66,034,000))~~ \$51,136,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the I-5/Tacoma HOV Improvements (Nickel/TPA) project (300504A). The use of funds in this subsection to renovate any buildings is subject to the requirements of section 604 of this act. The department shall report to the legislature and the office of financial management on any costs associated with building renovations funded in this subsection.

~~((19))~~ (17)(a) ~~((8,321,000))~~ \$9,343,000 of the transportation partnership account--state appropriation and ~~((31,380,000))~~ \$54,461,000 of the motor vehicle account--federal appropriation are provided solely for the I-5/Columbia River Crossing project (400506A). ~~((Of this amount,))~~ Of the amounts appropriated in this subsection, \$30,000,000 of the motor vehicle account--federal appropriation must be put into unallotted status and is subject to the review of the office of financial management. This funding may be allotted in five million dollar increments only when the state of Oregon's total share of expenses on the project are within five percent of the state of Washington's expenses, \$200,000 of the transportation partnership account--state appropriation in this subsection is provided solely for the department to work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on the Columbia river crossing project. This project must be conducted with active archaeological management and result in one report that spans the single cultural area in Oregon and Washington. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources. ~~((No funding from any account may be expended until written confirmation has been received by the department that the state of Oregon is providing an equal amount of additional funding to the project.))~~

(b) Consistent with the draft environmental impact statement and the Columbia river crossing project's independent review panel report, the Columbia river crossing project's financial plan must include recognition of state transportation funding contributions from both Washington and Oregon, federal transportation funding, and a funding contribution from toll bond proceeds. Following the refinement of the finance plan as recommended by the independent review panel, the department may seek authorization from the legislature to collect tolls on the existing Columbia river crossing or on a replacement crossing over Interstate 5.

~~((20) \$107,000)~~ (18) \$309,000 of the motor vehicle account--federal appropriation and ~~((27,000))~~ \$78,000 of the motor vehicle account--state appropriation are provided solely for the SR 9/SR 204 Intersection Improvement project (L2000040).

~~((21) \$2,134,000)~~ (19) \$3,385,000 of the motor vehicle account-- federal appropriation and ~~((47,000))~~ \$50,000 of the motor vehicle account--state appropriation are provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic - Build New Highway project (501210T).

~~((22) \$294,000)~~ (20) \$5,791,000 of the Tacoma Narrows toll bridge account--state appropriation is provided solely for deferred sales tax expenses on the construction of the new Tacoma Narrows bridge. However, if chapter . . . (Senate Bill No. 6073), Laws of 2012 (sales tax exemption on SR 16 projects) is enacted by June 30, 2012, the amount provided in this subsection lapses.

(21) \$391,000 of the motor vehicle account--federal appropriation and ~~((13,000))~~ \$16,000 of the motor vehicle account--state appropriation are provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage Road project (301639C). The frontage road must be built for driving speeds of no more than thirty-five miles per hour.

~~((23) \$1,000,000)~~ (22) \$621,000 of the motor vehicle account-- federal appropriation is provided solely for the SR 20/Race Road to Jacob's Road safety project (L2200042).

~~((24) \$24,002,000)~~ (23) \$32,162,000 of the transportation partnership account--state appropriation is provided solely for the SR 28/ US 2 and US 97 Eastmont Avenue Extension project (202800D).

~~((25) \$569,000)~~ (24) \$1,227,000 of the motor vehicle account-- federal appropriation and ~~((9,000))~~ \$38,000 of the motor vehicle account--state appropriation are provided solely for design and right- of-way work on the I-82/Red Mountain Vicinity project (508208M). The department shall continue to work with the local partners in developing transportation solutions necessary for the economic growth in the Red Mountain American viticulture area of Benton county.

~~((26))~~ (25) \$1,500,000 of the motor vehicle account--federal appropriation is provided solely for the I-90 Comprehensive Tolling Study project (100067T).

~~((27) \$9,422,000)~~ (26) \$12,149,000 of the motor vehicle account-- federal appropriation and ~~((193,000))~~ \$362,000 of the motor vehicle account--state appropriation are provided solely for the I-90/Sullivan Road to Barker Road - Additional Lanes project (609049N).

~~((28))~~ (27) Up to \$8,000,000 in savings realized on the I-90/Snoqualmie Pass East - Hyak to Keechelus Dam - Corridor project (509009B) may be used for design work on the next two-mile segment of the corridor. Any additional savings on this project must remain on the corridor. ~~((590,000 of the funds appropriated for this project may be used to purchase land currently owned by the state parks department.))~~ Project funds may not be used to build or improve buildings until the plan described in section 604 of this act is complete.

~~((29) \$932,000)~~ (28) \$657,000 of the motor vehicle account--federal appropriation is provided solely for the US 97A/North of Wenatchee - Wildlife Fence project (209790B).

~~((30))~~ (29) The department shall reconvene an expert review panel of no more than three members as described under RCW 47.01.400 for the purpose of updating the work that was previously completed by the panel on the Alaskan Way viaduct replacement project and to ensure that an appropriate and viable financial plan is created and regularly reviewed. The expert review panel must be selected cooperatively by the chairs of the senate and house of representatives transportation committees, the secretary of transportation, and the governor. The expert review panel must report findings and recommendations to the transportation

committees of the legislature, the governor's Alaskan Way viaduct project oversight committee, and the transportation commission by October 2011, and annually thereafter until the project is operationally complete.

~~((31))~~ (30) It is important that the public and policymakers have accurate and timely access to information related to the Alaskan Way viaduct replacement project as it proceeds to, and during, the construction of all aspects of the project including, but not limited to, information regarding costs, schedules, contracts, project status, and neighborhood impacts. Therefore, it is the intent of the legislature that the state, city, and county departments of transportation establish a single source of accountability for integration, coordination, tracking, and information of all requisite components of the replacement project, which must include, at a minimum:

(a) A master schedule of all subprojects included in the full replacement project or program; and

(b) A single point of contact for the public, media, stakeholders, and other interested parties.

~~((32))~~ (31) Within the amounts provided in this section, \$20,000 of the motor vehicle account--state appropriation and \$980,000 of the motor vehicle account--federal appropriation are provided solely for the department to continue work on a comprehensive tolling study of the state route number 167 corridor (project 316718S). As funding allows, the department shall also continue work on a comprehensive tolling study of the state route number 509 corridor.

~~((33))~~ (32)(a) ~~((131,303,000))~~ \$137,022,000 of the transportation partnership account--state appropriation (~~(- \$51,410,000)~~) and \$50,623,000 of the transportation 2003 account (nickel account)--state appropriation (~~(- and \$10,000,000 of the motor vehicle account--federal appropriation)~~) are provided solely for the I- 405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This project must be completed as soon as practicable as a design-build project and must be constructed with a footprint that would accommodate potential future express toll lanes.

(b) As part of the project, the department shall conduct a traffic and revenue analysis and complete a financial plan to provide additional information on the revenues, expenditures, and financing options available for active traffic management and congestion relief in the Interstate 405 and state route number 167 corridors. A report must be provided to the transportation committees of the legislature and the office of financial management by January 2012. However, this subsection ~~((33))~~ (32)(b) is null and void if chapter . . . (Engrossed House Bill No. 1382), Laws of 2011 (I-405 express toll lanes) is enacted by June 30, 2011.

(c) Of the amount appropriated in (a) of this subsection, \$15,000,000 of the transportation partnership account--state appropriation is provided solely for the preliminary design and purchase of rights-of-way on the state route number 167 direct connector. It is the intent of the legislature to fund an additional \$25,000,000 of the transportation partnership account--state appropriation for the preliminary design and purchase of rights-of-way on the state route number 167 direct connector during the 2013-2015 biennium.

~~((34))~~ (33) Funding for a signal at state route number 507 and Yew Street is included in the appropriation for intersection and spot improvements (0BI2002).

~~((35) \$226,809,000)~~ (34) \$224,592,000 of the transportation partnership account--state appropriation and ~~((1,019,460,000))~~ \$898,286,000 of the state route number 520 corridor account--state appropriation are provided solely for the state route number 520 bridge replacement and HOV program (8BI1003). When developing the financial plan for the program, the department shall assume that all maintenance and operation costs for the new facility

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are to be covered by tolls collected on the toll facility, and not by the motor vehicle account.

~~((36))~~ \$650,000 of the motor vehicle account federal appropriation is provided solely for the SR 522 Improvements/61st Avenue NE and NE 181st Street project (L1000055).

~~(37))~~ (35) \$500,000 of the motor vehicle account--state appropriation is provided solely for a multimodal corridor plan on state route number 520 between Interstate 405 and Avondale Road in Redmond (L1000054).

~~(36)~~ \$300,000 of the motor vehicle account--federal appropriation is provided solely for the SR 523 Corridor study (L1000059).

~~((38))~~ (37) The department shall consider using the city of Mukilteo's off-site mitigation program in the event any projects on state route number 525 or 526 require environmental mitigation.

~~((39))~~ (38) Any savings on projects on the state route number 532 corridor must be used within the corridor to begin work on flood prevention and raising portions of the highway above flood and storm influences.

(39) The total appropriation provided in this section assumes enactment of chapter . . . (Second Substitute Senate Bill No. 5250), Laws of 2012 (design-build procedures) and reflects efficiencies and cost savings generated by this innovative design and contracting tool.

**Sec. 306.** 2011 c 367 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

|   |                            |
|---|----------------------------|
| Transportation Partnership Account--State               |                            |
| Appropriation .....                                     | <del>((34,182,000))</del>  |
|   | \$44,463,000               |
| Motor Vehicle Account--State Appropriation .....        | <del>((67,790,000))</del>  |
|   | \$85,241,000               |
| Motor Vehicle Account--Federal Appropriation.....       | <del>((632,489,000))</del> |
|   | \$548,306,000              |
| Motor Vehicle Account--Private/Local Appropriation..... |                            |
|   | <del>((19,253,000))</del>  |
|   | \$21,585,000               |

|  |                            |
|--|----------------------------|
| <u>Transportation 2003 Account (Nickel Account)--State</u> |                            |
| Appropriation .....  | \$23,000                   |
| TOTAL APPROPRIATION.....                                   | <del>((753,714,000))</del> |
|  | \$699,618,000              |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2011-4))~~ 2012-2 as developed ~~((April 19, 2014))~~ February 21, 2012, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) ~~((The department shall, on a quarterly basis beginning July 1, 2011, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges must be reported on a programmatic basis. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of~~

~~the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis.~~

~~(3))~~ The department of transportation shall continue to implement the lowest life-cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

~~((5))~~ (3) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

~~((6))~~ (4) The department shall apply for surface transportation program enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in programs I and P.

~~((7))~~ (5) The motor vehicle account--state appropriation includes up to \$17,652,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

~~((8))~~ (6) The department must work with cities and counties to develop a comparison of direct and indirect labor costs, overhead rates, and other costs for high-cost bridge inspections charged by the state, counties, and other entities. The comparison is due to the transportation committees of the legislature on September 1, 2011.

~~((9))~~ ~~\$277,000~~ (7) \$789,000 of the motor vehicle account--federal appropriation and ~~((10,000))~~ \$6,000 of the motor vehicle account-- state appropriation are provided solely for the environmental impact statement and preliminary planning for the replacement of the state route number 9 Snohomish river bridge (project L2000018).

~~((10))~~ ~~\$9,641,000~~ (8) \$10,843,000 of the motor vehicle account-- federal appropriation, ~~((2,000,000))~~ \$1,992,000 of the motor vehicle account--private/local appropriation, and ~~((361,000))~~ \$390,000 of the motor vehicle account--state appropriation are provided solely for the SR 21/Keller Ferry - Replace Boat project (602110J).

~~((11))~~ ~~\$3,093,000~~ (9) \$165,000 of the motor vehicle account--federal appropriation is provided solely for the I-90/Ritzville to Tokio - Paving of Outside Lanes project (609041G).

~~((12))~~ ~~\$2,733,000~~ (10) \$5,565,000 of the motor vehicle account-- federal appropriation and ~~((114,000))~~ \$232,000 of the motor vehicle account--state appropriation are provided solely for the SR 167/Puyallup River Bridge Replacement project (316725A). This project must be completed as a design-build project. The department must work with local jurisdictions and the community during the environmental review process to develop appropriate esthetic design elements, at no additional cost to the department, and traffic management plans pertaining to this project. The department must report to the transportation committees of the legislature on estimated cost and/or time savings realized as a result of using the design-build process.

~~((13))~~ ~~\$295,000~~ (11) \$507,000 of the motor vehicle account--federal appropriation and ~~((5,000))~~ \$13,000 of the motor vehicle account--state appropriation are provided solely for the SR 906/Travelers Rest - Building Renovation project (090600A).

(12) The department shall submit a renewal and rehabilitation plan for the new state route number 16 Tacoma Narrows bridge as a decision package as part of its 2013-2015 biennial budget submittal.

**Sec. 307.** 2011 c 367 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q- CAPITAL**

|  |                          |
|--|--------------------------|
| Motor Vehicle Account--State Appropriation ..... | <del>((6,439,000))</del> |
|--|--------------------------|

|   |                               |
|---|-------------------------------|
| .....   | \$8,742,000                   |
| Motor Vehicle Account--Federal Appropriation..... | ( <del>(\$5,600,000)</del> )  |
| .....   | \$7,246,000                   |
| TOTAL APPROPRIATION.....                          | ( <del>(\$12,039,000)</del> ) |
| .....   | \$15,988,000                  |

The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the motor vehicle account-- state appropriation for project 000005Q is provided solely for state matching funds for federally selected competitive grants or congressional earmark projects. These moneys must be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 308. 2011 c 367 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

|   |                                |
|---|--------------------------------|
| Puget Sound Capital Construction Account--State         |                                |
| Appropriation.....                                      | ( <del>(\$68,013,000)</del> )  |
| .....   | \$64,878,000                   |
| Puget Sound Capital Construction Account--Federal       |                                |
| Appropriation.....                                      | ( <del>(\$41,500,000)</del> )  |
| .....   | \$56,086,000                   |
| Puget Sound Capital Construction Account--Private/Local |                                |
| Appropriation.....                                      | \$200,000                      |
| Transportation 2003 Account (Nickel Account)--State     |                                |
| Appropriation.....                                      | ( <del>(\$118,027,000)</del> ) |
| .....   | \$110,928,000                  |
| Transportation Partnership Account--State               |                                |
| Appropriation.....                                      | ( <del>(\$12,536,000)</del> )  |
| .....   | \$12,838,000                   |
| Multimodal Transportation Account--State                |                                |
| Appropriation.....                                      | ( <del>(\$43,265,000)</del> )  |
| .....   | \$38,254,000                   |
| TOTAL APPROPRIATION.....                                | ( <del>(\$283,341,000)</del> ) |
| .....   | \$283,184,000                  |

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$68,013,000 of the Puget Sound capital construction account state appropriation, \$41,500,000 of the Puget Sound capital construction account federal appropriation, \$12,536,000 of the transportation partnership account state appropriation, \$118,027,000 of the transportation 2003 account (nickel account) state appropriation, and \$43,265,000 of the multimodal transportation account state appropriation are provided solely for ferry projects.)) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((2011-2)) 2012-1 ALL PROJECTS as developed ((April 19, 2011)) February 21, 2012, Program - Washington State Ferries Capital Program (W).~~

(2) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all large ferry terminal projects. These projects must be conducted with active archaeological management.

(3) The multimodal transportation account--state appropriation includes up to (~~(\$43,265,000)~~) \$38,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(4) (~~The transportation 2003 account (nickel account) state appropriation includes up to \$82,143,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.~~

—(5)) The Puget Sound capital construction account--state appropriation includes up to (~~(\$52,516,000)~~) \$45,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(~~(7)~~) ~~(\$20,906,000)~~ (5) \$17,970,000 of the transportation 2003 account (nickel account)--state appropriation (~~(-\$9,711,000 of the multimodal transportation account state appropriation, and \$1,537,000 of the Puget Sound capital construction account state appropriation are))~~ is provided solely for the acquisition of new Kwa-di-tabil class ferry vessels (project 944470A) subject to the conditions of RCW 47.56.780.

(~~(8)~~) (6) \$33,404,000 of the multimodal transportation account-- state appropriation, (~~(\$2,000,000)~~) \$1,000,000 of the Puget Sound capital construction account--(~~state~~) federal appropriation, \$11,500,000 of the transportation partnership account--state appropriation, and (~~(\$81,085,000)~~) \$76,924,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the acquisition of (~~two~~) one 144-car vessel (~~(s) contingent upon new and sufficient resources. Of these amounts, \$123,828,000 is provided solely for the first 144-car vessel~~) (project L2200038). The department shall use as much already procured equipment as practicable on the 144-car vessel. The vendor must present to the joint transportation committee and the office of financial management, by August 15, 2011, a list of options that will result in significant cost savings changes in terms of construction or the long-term maintenance and operations of the vessel. The vendor must allow for exercising the options without a penalty. If neither chapter ... (Engrossed Substitute Senate Bill No. 5742), Laws of 2011 nor chapter ... (House Bill No. 2083), Laws of 2011 is enacted by June 30, 2011, \$75,000,000 of the transportation 2003 account (nickel account)--state appropriation in this subsection lapses.

(~~(9)~~) ~~The department shall provide to the office of financial management and the legislature quarterly reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2011-2013 fiscal biennium. Elements must include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information system. The quarterly report regarding the status of projects identified on the list referenced in subsection (1) of this section must be developed according to an earned value method of project monitoring.~~

—(~~(11)~~) ~~(\$3,932,000)~~ (7) \$5,749,000 of the total appropriation is provided solely for continued permitting work on the Mukilteo ferry terminal (project 952515P). The department shall seek additional federal funding for this project. Prior to beginning terminal improvements, the department shall report to the legislature on the final environmental impact statement by December 31, 2012. The report must include an overview of the costs and benefits of each of the alternatives considered, as well as an identification of costs and a funding plan for the preferred alternative.

(~~(13)~~) (8) The department shall review all terminal project cost estimates to identify projects where similar design requirements could result in reduced preliminary engineering or miscellaneous items costs. The department shall report to the legislature by September 1, 2011. The report must use programmatic design and include estimated cost savings by reducing repetitive design costs or miscellaneous costs, or both, applied to projects.

(~~(14)~~) ~~(\$2,000,000)~~ (9) \$3,000,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital repair costs (project 999910K). Funds may be spent only after approval from the office of financial management.

(~~(15)~~) ~~(\$7,167,000)~~ (10) \$4,851,000 of the Puget Sound capital construction account--state appropriation is provided solely for the reservation and communications system projects (L200041 & L200042).

(11) \$641,000 of the Puget Sound capital construction account--state appropriation is provided solely for the department to continue

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efforts to convert the existing diesel powered Issaquah class fleet to liquid natural gas powered vessels. Of this amount, \$391,000 is solely for the department to work with appropriate agencies of the state and federal government to amend the state's current alternative security plan to account for the use of liquid natural gas as a propulsion fuel in the ferry fleet. Of this amount, \$250,000 is solely for the department to issue a request for proposals for a design-build contract to fully convert the existing diesel powered Issaquah class fleet to be solely powered by liquid natural gas. The successful bidder must be able to offer detailed design services, attain coast guard approval regarding vessel safety and any other requirements pertaining to design, acquire engines with liquid natural gas as a sole fuel source, provide public outreach and education regarding the conversion of ferry vessels to liquid natural gas, perform all conversion work, and supply dependable and suitable quantities of liquid natural gas without any additional, direct appropriations from the legislature other than that provided in this act. To the extent allowable under current law, the bidder awarded the design-build contract for converting the Issaquah fleet to liquid natural gas under this subsection shall be given bidding preferences in any future liquid natural gas related ferry proposals or projects.

(12) \$500,000 of the Puget Sound capital construction account--state appropriation is provided solely for the ADA visual paging project (L2200083). If any new federal grants are received by the department that may supplant the state funds in this appropriation, the state funds in this appropriation must be placed in unallotted status.

Sec. 309. 2011 c 367 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

|  |                 |
|--|-----------------|
| Essential Rail Assistance Account--State         |                 |
| Appropriation .....                              | (\$1,000,000)   |
| .....  | \$1,565,000     |
| Transportation Infrastructure Account--State     |                 |
| Appropriation .....                              | (\$5,838,000)   |
| .....  | \$5,693,000     |
| Multimodal Transportation Account--State         |                 |
| Appropriation .....                              | (\$52,000,000)  |
| .....  | \$58,020,000    |
| Multimodal Transportation Account--Federal       |                 |
| Appropriation .....                              | (\$366,314,000) |
| .....  | \$236,597,000   |
| Multimodal Transportation Account--Private/Local |                 |
| Appropriation .....                              | (\$1,292,000)   |
| .....  | \$1,010,000     |
| TOTAL APPROPRIATION.....                         | (\$426,444,000) |
| .....  | \$302,885,000   |

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2011-2)) 2012-1 ALL PROJECTS as developed ((April 19, 2014)) February 21, 2012, Program-Rail Capital Program (Y).

(b) Within the amounts provided in this section, ((\$2,903,000)) \$4,757,000 of the transportation infrastructure account--state appropriation is for low-interest loans through the freight rail investment bank program for specific projects listed as recipients of these loans in the LEAP transportation document identified in (a) of this subsection. The department shall issue freight rail investment bank program loans with a repayment period of no more than ten years, and only so much interest as is necessary to recoup the department's costs to administer the loans.

(c) Within the amounts provided in this section, (~~(\$1,754,000))~~ \$2,047,000 of the multimodal transportation account--state appropriation, \$10,000 of the multimodal transportation account--private/local appropriation, and \$1,000,000 of the essential rail assistance account--state appropriation are for statewide emergent freight rail assistance projects identified in the LEAP transportation document identified in (a) of this subsection.

(2)(a) (~~If any funds remain in the program reserves (F01001A & F01000A) for the program and projects listed in subsection (1)(b) and (c) of this section,))~~ The department shall issue a call for projects for the freight rail investment bank (FRIB) loan program and the emergent freight rail assistance program (FRAP) grants, and shall evaluate the applications according to the cost-benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. Unsuccessful FRAP grant applicants should be encouraged to apply to the FRIB loan program, if eligible. By November 1, ((2011)) 2012, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(b) When the department identifies a prospective rail project that may have strategic significance for the state, or at the request of a proponent of a prospective rail project or a member of the legislature, the department shall evaluate the prospective project according to the cost-benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. The department shall report its cost-benefit evaluation of the prospective rail project, as well as the department's best estimate of an appropriate construction schedule and total project costs, to the office of financial management and the transportation committees of the legislature.

(c) The legislative priorities to be used in the cost-benefit methodology are, in order of relative importance:

- (i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
- (ii) Self-sustaining economic development that creates family-wage jobs;
- (iii) Preservation of transportation corridors that would otherwise be lost;
- (iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
- (v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
- (vi) Mitigation of impacts of increased rail traffic on communities.

(3) The department is directed to expend unallocated federal rail crossing funds in lieu of or in addition to state funds for eligible costs of projects in program Y.

(4) The department shall provide quarterly reports to the office of financial management and the transportation committees of the legislature regarding applications that the department submits for federal funds and the status of such applications.

(5) (~~The department shall, on a quarterly basis, provide to the office of financial management and the legislature reports providing the status on active projects identified in the LEAP transportation document described in subsection (1)(a) of this section. Report formatting and elements must be consistent with the October 2009 quarterly project report.~~

~~(6) The multimodal transportation account--state appropriation includes up to \$19,684,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.~~

~~(7) When the balance of that portion of the miscellaneous program account apportioned to the department for the grain train program reaches \$1,180,000, the department shall acquire additional grain train railcars.~~

—(8) ~~\$1,087,000 of the multimodal transportation account—state appropriation is provided solely as state matching funds for successful grant applications to either the federal rail line relocation and improvement program (project 798999D) or new federal high speed rail grants.~~

—(9)) The Burlington Northern Santa Fe Skagit river bridge is an integral part of the rail system. Constructed in 1916, the bridge does not meet current design standards and is at risk during flood events that occur on the Skagit river. The department shall work with Burlington Northern Santa Fe and local jurisdictions to secure federal funding for the Skagit river bridge and to develop an appropriate replacement plan and schedule.

~~((4)) \$339,139,000))~~ (6) \$218,341,000 of the multimodal transportation account--federal appropriation and ~~((5,099,000))~~ \$3,639,000 of the multimodal transportation account--state appropriation are provided solely for expenditures related to passenger high-speed rail grants. At one and one-half percent of the total project funds, the multimodal transportation account--state funds are provided solely for expenditures that are not federally reimbursable. Funding in this subsection is the initial portion of multiyear high-speed rail program grants awarded to Washington state for high-speed intercity passenger rail investments. Funding will allow for two additional round trips between Seattle and Portland and other rail improvements.

~~((4))~~ (7) \$750,000 of the multimodal transportation account--state appropriation is provided solely for the Port of Royal Slope rehabilitation project (L1000053). Funding is contingent upon the project completing the rail cost-benefit methodology process developed during the 2008 interim using the legislative priorities outlined in subsection (2)(c) of this section.

(8) As allowable under federal rail authority rules and existing competitive bidding practices, when purchasing new train sets, the department shall give preference to bidders that propose train sets with characteristics and maintenance requirements most similar to those currently owned by the department.

—(9) Funds generated by the grain train program are solely for operating, sustaining, and enhancing the grain train program including, but not limited to, operations, capital investments, inspection, developing business plans for future growth, and fleet management. Any funds deemed by the department, in consultation with relevant port districts, to be in excess of current operating needs or capital reserves of the grain train program may be transferred from the miscellaneous program account to the essential rail assistance account for the purpose of sustaining the grain train program through maintaining the Palouse river and Coulee City railroad line, on which the grain train program operates.

—(10) \$500,000 of the essential rail assistance account--state appropriation is provided solely for the purpose of rehabilitation and maintenance of the Palouse river and Coulee City railroad line. Expenditures from this appropriation may not exceed the combined total of:

(a) The revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.290; and

(b) Revenues transferred from the miscellaneous program account for the purpose of sustaining the grain train program through maintaining the Palouse river and Coulee City railroad line.

**Sec. 310.** 2011 c 367 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z-- CAPITAL**

Highway Infrastructure Account--State Appropriation .....\$207,000  
Highway Infrastructure Account--Federal

Appropriation .....\$1,602,000

Motor Vehicle Account--State Appropriation .....~~((3,754,000))~~

|   |                           |
|---|---------------------------|
| .....   | \$4,179,000               |
| Motor Vehicle Account--Federal Appropriation..... | <del>((31,856,000))</del> |
| .....   | <u>\$30,430,000</u>       |
| Freight Mobility Investment Account--State        |                           |
| Appropriation.....                                | \$11,278,000              |
| Transportation Partnership Account--State         |                           |
| Appropriation.....                                | <del>((6,035,000))</del>  |
| .....   | <u>\$7,181,000</u>        |
| Freight Mobility Multimodal Account--State        |                           |
| Appropriation.....                                | <del>((15,117,000))</del> |
| .....   | <u>\$15,668,000</u>       |
| Freight Mobility Multimodal Account--Local        |                           |
| Appropriation.....                                | <del>((4,752,000))</del>  |
| .....   | <u>\$2,834,000</u>        |
| Multimodal Transportation Account--State          |                           |
| Appropriation.....                                | <del>((18,453,000))</del> |
| .....   | <u>\$22,475,000</u>       |
| Passenger Ferry Account--State Appropriation..... | \$1,115,000               |
| TOTAL APPROPRIATION.....                          | <del>((94,169,000))</del> |
| .....   | <u>\$96,969,000</u>       |

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((The department shall, on a quarterly basis beginning July 1, 2011, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Report formatting and elements must be consistent with the October 2009 quarterly project report. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system.~~

—(2)) \$1,115,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements and operating expenses that are consistent with the business plan approved by the governor for passenger ferry service.

~~((3))~~ (2) The department shall apply for surface transportation program enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z--capital.

~~((4))~~ (3) Federal funds may be transferred from program Z to programs I and P and state funds must be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations must initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2011, and December 1, 2012.

~~((5))~~ (4) The city of Winthrop may utilize a design-build process for the Winthrop bike path project.

~~((6) \$11,557,000))~~ (5) \$14,813,000 of the multimodal transportation account--state appropriation, ~~((12,136,000))~~ \$12,804,000 of the motor vehicle account--federal appropriation, and ~~((5,195,000))~~ \$6,241,000 of the transportation partnership account-- state appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in: LEAP Transportation Document 2011-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 19, 2011; LEAP Transportation Document 2009-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 30, 2009; LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe

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routes to schools program projects, as developed April 20, 2007; and LEAP Transportation Document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

~~((7))~~ (6) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2011-2))~~ 2012-1 ALL PROJECTS as developed ~~((April 19, 2011))~~ February 21, 2012, Program - Local Program (Z).

~~((8))~~ (7) For the 2011-2013 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and efficiently deliver all projects in the respective program.

~~((9))~~ (8) With each department budget submittal, the department shall provide an update on the status of the repayment of the twenty million dollars of unobligated federal funds authority advanced by the department in September 2010 to the city of Tacoma for the Murray Morgan/11th Street bridge project.

~~((10))~~ The department shall prepare a list of main street projects, consistent with chapter ... (Engrossed Substitute House Bill No. 1071), Laws of 2011, for approval in the 2013-2015 fiscal biennium. In order to ensure that any proposed list of projects is consistent with legislative intent, the department shall provide a report to the joint transportation committee by December 1, 2011. The report must identify the eligible segments of main streets highways, the department's proposed project selection and ranking method, criteria to be considered, and a plan for soliciting project proposals.

~~((11))~~ (9) If funding is specifically designated in this act for main street projects, the department shall prepare a list of projects that is consistent with chapter 257, Laws of 2011, for approval in the 2013-2015 fiscal biennium.

(10) \$267,000 of the motor vehicle account--state appropriation and \$2,859,000 of the motor vehicle account--federal appropriation are provided solely for completion of the US 101 northeast peninsula safety rest area and associated roadway improvements east of Port Angeles at the Deer Park scenic view point (3LP187A). The department must surplus any right-of-way previously purchased for this project near Sequim. Approval to proceed with construction is contingent on surplus of previously purchased right-of-way.

~~((12))~~ (11) Up to ~~((3,650,000))~~ \$3,702,000 of the motor vehicle account--federal appropriation and ~~((23,000))~~ \$75,000 of the motor vehicle account--state appropriation are provided solely to reimburse the cities of Kirkland and Redmond for pavement and bridge deck rehabilitation on state route number 908 (1LP611A). These funds may not be expended unless the cities sign an agreement stating that the cities agree to take ownership of state route number 908 in its entirety and agree that the payment of these funds represents the entire state commitment to the cities for state route number 908 expenditures.

~~((13))~~ (12) \$225,000 of the multimodal transportation account-- state appropriation is provided solely for the Shell Valley emergency road and bicycle/pedestrian path (L1000036).

~~((14))~~ ~~(\$150,000)~~ (13) \$188,000 of the motor vehicle account--state appropriation is provided solely for flood reduction solutions on state route number 522 caused by the lower McAleer and Lyon creek basins (L1000041).

~~((15))~~ (14) \$896,000 of the multimodal transportation account-- state appropriation is provided solely for realignment of Parker Road and construction of secondary access off of state route number 20 (L2200040).

~~((16))~~ (15) An additional \$2,500,000 of the motor vehicle account--federal appropriation is provided solely for the Strander Blvd/SW 27th St Connection project (1LP902F), which amount is reflected in the LEAP transportation document identified in subsection ~~((7))~~ (6) of this section. These funds may only be committed if needed, may not be used to supplant any other committed project partnership funding, and must be the last funds expended.

~~((17))~~ (16) \$500,000 of the motor vehicle account--federal appropriation is provided solely for safety improvements at the intersection of South Wapato and McDonald Road (L1000052).

~~((18))~~ (17) \$2,000,000 of the multimodal transportation account-- state appropriation is provided solely for the state route number 432 rail realignment and highway improvements project (L1000056).

~~((19))~~ ~~\$500,000 of the multimodal transportation account--state appropriation is provided solely for a multimodal corridor plan on state route number 520 between Interstate 405 and Avondale Road in Redmond (L1000054).~~

~~((20))~~ (18) \$100,000 of the motor vehicle account--federal appropriation is provided solely for state route number 164 and Auburn Way South pedestrian improvements (L1000057).

~~((21))~~ (19) \$115,000 of the motor vehicle account--federal appropriation is provided solely for median street lighting on state route number 410 (L1000058).

~~((22))~~ (20) \$60,000 of the multimodal transportation account--state appropriation is provided solely for a cross docking study for the port of Douglas county (L1000060).

~~((23))~~ (21) \$100,000 of the motor vehicle account--federal appropriation is provided solely for city of Auburn - 8th and R Street NE intersection improvements (L2200043).

~~((24))~~ (22) \$65,000 of the multimodal transportation account--state appropriation is provided solely for the Puget Sound regional council to further the implementation of multimodal concurrency practice through a transit service overlay zone implemented at the local level (L1000061). This approach will improve the linkage of land use and transportation investment decisions, improve the efficiency of transit service by encouraging transit-supportive development, provide incentives for developers, and support integrated regional growth, economic development, and transportation plans. In carrying out this work, the council shall involve representatives from cities and counties, developers, transit agencies, and other interested stakeholders, and shall consult with other regional transportation planning organizations across the state. The council shall report the results of their work and recommendations to the joint transportation committee by December 2011, with a final report to the transportation committees of the legislature by January 31, 2012.

(23) \$650,000 of the motor vehicle account--federal appropriation is provided solely for the SR 522 Improvements/61st Avenue NE and NE 181st Street project (L1000055).

NEW SECTION. Sec. 311. A new section is added to 2011 c 367 (uncodified) to read as follows:

**REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees the following reports for all capital programs:

(1) For active projects, the report must include:

(a) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

(b) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(c) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget;

(d) Projected costs and schedule for individual projects that are funded at a programmatic level for projects relating to bridge rail, guard rail, fish passage barrier removal, roadside safety projects, and seismic bridges. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget;

(e) Highway projects that may be reduced in scope and still achieve a functional benefit;

(f) Highway projects that have experienced scope increases and that can be reduced in scope;

(g) Highway projects that have lost significant local or regional contributions that were essential to completing the project; and

(h) Contingency amounts for all projects consistent with the structure of the most recently enacted budget.

(2) For completed projects, the report must:

(a) Compare the original project cost estimates and schedule approved in the transportation 2003 and 2005 transportation partnership project lists to the completed cost of the project;

(b) Compare the costs and operationally complete date for projects on the transportation 2003 and 2005 transportation partnership project lists to the last legislatively adopted project list prior to the completion of a project; and

(c) Compare the costs and operationally complete date for projects with budgets of twenty million dollars that are funded with preexisting funds to the original project cost estimates and schedule.

(3) For prospective projects, the report must:

(a) Identify the estimated advertisement date for all projects consistent with the structure of the most recently enacted budget that are going to advertisement during the current biennium;

(b) Identify the anticipated operationally complete date for all projects consistent with the structure of the most recently enacted budget that are going to advertisement during the current biennium; and

(c) Identify the estimated cost of completion for all projects consistent with the structure of the most recently enacted budget that are going to advertisement during the current biennium.

**TRANSFERS AND DISTRIBUTIONS**

**Sec. 401.** 2011 c 367 s 401 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

|  |                 |
|--|-----------------|
| Highway Bond Retirement Account--State |                 |
| Appropriation .....                    | (\$920,560,000) |
| .....                                  | \$796,020,000   |

|   |                          |
|---|--------------------------|
| Ferry Bond Retirement Account--State Appropriation  | .\$31,801,000            |
| State Route Number 520 Corridor Account--State      |                          |
| Appropriation .....                                 | \$1,075,000              |
| Transportation Improvement Board Bond Retirement    |                          |
| Account--State Appropriation .....                  | (\$16,544,000)           |
| .....   | \$16,504,000             |
| Nondebt-Limit Reimbursable Account Appropriation    | (\$25,200,000)           |
| .....   | \$20,892,000             |
| Transportation Partnership Account--State           |                          |
| Appropriation .....                                 | (\$3,142,000)            |
| .....   | \$2,846,000              |
| Motor Vehicle Account--State Appropriation .....    | (\$333,000)              |
| .....   | \$298,000                |
| Transportation 2003 Account (Nickel Account)--State |                          |
| Appropriation .....                                 | (\$1,140,000)            |
| .....   | \$1,110,000              |
| Transportation Improvement Account--State           |                          |
| Appropriation .....                                 | \$29,000                 |
| Multimodal Transportation Account--State            |                          |
| Appropriation .....                                 | (\$138,000)              |
| .....   | \$125,000                |
| Toll Facility Bond Retirement Account--State        |                          |
| Appropriation .....                                 | (\$33,792,000)           |
| .....   | \$48,807,000             |
| Toll Facility Bond Retirement Account--Federal      |                          |
| Appropriation .....                                 | (\$14,649,000)           |
| .....   | \$7,500,000              |
| <b>TOTAL APPROPRIATION.....</b>                     | <b>(\$1,048,403,000)</b> |
| .....   | <b>\$927,007,000</b>     |

*(The appropriations in this section are subject to the following conditions and limitations:*

~~— (1) \$4,610,000 of the highway bond retirement account state appropriation is provided solely for debt service on bonds issued to construct a ferry boat vessel with a carrying capacity of one hundred forty four cars. If neither chapter ... (House Bill No. 2083), Laws of 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is enacted by June 30, 2011, the amount provided in this subsection lapses.~~

~~— (2) \$165,000 of the transportation 2003 account (nickel account) state appropriation is provided solely for discounts on bonds sold to construct a ferry boat vessel with a carrying capacity of one hundred forty four cars. If neither chapter ... (House Bill No. 2083), Laws of 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is enacted by June 30, 2011, the amount provided in this subsection lapses.)~~

**Sec. 402.** 2011 c 367 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

|   |               |
|---|---------------|
| State Route Number 520 Corridor Account--State          |               |
| Appropriation .....                                     | \$68,000      |
| Transportation Partnership Account--State               |               |
| Appropriation .....                                     | (\$608,000)   |
| .....   | \$478,000     |
| Motor Vehicle Account--State Appropriation .....        | (\$60,000)    |
| .....   | \$47,000      |
| Transportation 2003 Account (Nickel Account)--State     |               |
| .....   | Appropriation |
| .....   | (\$219,000)   |
| .....   | \$173,000     |
| Transportation Improvement Account--State Appropriation | .\$5,000      |
| Multimodal Transportation Account--State                |               |
| Appropriation .....                                     | (\$26,000)    |
| .....   | \$19,000      |

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TOTAL APPROPRIATION.....(~~(\$986,000)~~)  
.....\$790,000

~~((The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the transportation 2003 account (nickel account) state appropriation is provided solely for expenses associated with bonds sold to construct a ferry boat vessel with a carrying capacity of one hundred forty four cars. If neither chapter ... (House Bill No. 2083), Laws of 2011 nor chapter ... (Engrossed Substitute Senate Bill No. 5742) is enacted by June 30, 2011, the amount provided in this subsection lapses.))~~

**Sec. 403.** 2011 c 367 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS**

Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account .....(~~(\$52,516,000)~~)  
.....\$45,000,000

The department of transportation is authorized to sell up to (~~(\$52,516,000)~~) \$45,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries. (~~(Of the authorized amounts, \$14,500,000 is provided solely for expenditures made during the fiscal biennium ending June 30, 2011.)~~)

**Sec. 404.** 2011 c 367 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account--State Appropriation for motor vehicle fuel tax distributions to cities and counties.....(~~(\$478,155,000)~~)  
.....\$470,701,000

**Sec. 405.** 2011 c 367 s 405 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers .....(~~(\$1,246,357,000)~~)  
.....\$1,227,005,000

**Sec. 406.** 2011 c 367 s 406 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--TRANSFERS**

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers .....(~~(\$127,984,000)~~)  
\$151,870,000

**Sec. 407.** 2011 c 367 s 407 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS**

(1) (~~(Tacoma Narrows Toll Bridge Account--State Appropriation: For transfer to the Motor Vehicle Account--State .....\$543,000~~)

~~(2))~~ Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State .....(~~(\$46,500,000)~~)  
.....\$45,500,000

~~((3))~~ (2) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State .....(~~(\$1,450,000)~~)  
.....\$1,150,000

~~((4))~~ (3) License Plate Technology Account--State Appropriation: For transfer to the Highway Safety

Account--State .....(~~(\$3,200,000)~~)  
.....\$3,000,000

~~((5))~~ (4) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State .....(~~(\$43,000,000)~~)  
.....\$42,000,000

~~((6))~~ (5) Highway Safety Account--State Appropriation: For transfer to the Motor Vehicle Account--State .....\$23,000,000

~~((7) Department of Licensing Services Account--State Appropriation: For transfer to the Motor Vehicle Account--State .....\$400,000~~

~~(8))~~ (6) Advanced Right-of-Way Revolving Fund: For transfer to the Motor Vehicle Account--State .....\$5,000,000

~~((9) State Route Number 520 Civil Penalties Account--State Appropriation: For transfer to the State Route Number 520 Corridor Account--State .....\$754,000~~

~~(10))~~ (7) Rural Mobility Grant Program Account--State Appropriation: For transfer to the Multimodal Transportation Account--State .....\$3,000,000

~~((11))~~ (8) Motor Vehicle Account--State Appropriation: For transfer to the State Patrol Highway Account--State.....(~~(\$14,000,000)~~)  
.....\$16,000,000

~~((12))~~ (9) State Route Number 520 Corridor Account--State Appropriation: For transfer to the

Motor Vehicle Account--State(~~(in an amount equal to funds dispersed during the 2009-2011 fiscal biennium authorized under section 805(7) of this act.)~~) .....\$58,000

~~((13))~~ (10) Motor Vehicle Account--State Appropriation: For transfer to the Special Category C Account--State .....(~~(\$1,500,000)~~)  
.....\$2,500,000

~~((14))~~ (11) Regional Mobility Grant Program Account--State Appropriation: For transfer to the Multimodal Transportation Account--State .....\$1,000,000

~~((15))~~ (12) State Patrol Highway Account--State Appropriation: For transfer to the Vehicle Licensing Fraud Account.....\$100,000

~~((16) State Route Number 520 Corridor Account--State Appropriation: For transfer to the Motor Vehicle Account .....\$2,435,000)~~

(13) Capital Vessel Replacement Account--State Appropriation: For transfer to the Transportation 2003 Account (Nickel Account)--State .....\$6,367,000

~~((17))~~ (14) The transfers identified in this section are subject to the following conditions and limitations:

(a) (~~The amount transferred in subsection (1) of this section represents repayment of operating loans and reserve payments provided to the Tacoma Narrows toll bridge account from the motor vehicle account in the 2005-2007 fiscal biennium.~~

~~(b) The transfer in subsection (9) of this section represents toll revenue collected from toll violations.) The transfer in subsection (9) of this section represents the repayment of an amount equal to subprogram B5 expenditures that occurred in the motor vehicle account in the 2009-2011 fiscal biennium.~~

~~(b) The amount transferred in subsection (2) of this section shall not exceed the expenditures incurred from the motor vehicle account-- state for the recreational vehicle sanitary disposal systems program.~~

**COMPENSATION**

**Sec. 501.** 2011 c 367 s 502 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENTS--WSP TROOPERS ASSOCIATION**

(1) No agreement has been reached between the governor and the Washington state patrol trooper's association under chapter 41.56 RCW for ~~((the 2011-2013 fiscal biennium))~~ fiscal year 2012. Appropriations for the Washington state patrol in this act are sufficient to fund the provisions of the 2009-2011 agreement.

(2) An agreement has been reached between the governor and the Washington state patrol troopers association under chapter 41.56 RCW for fiscal year 2013. Appropriations for the Washington state patrol in this act provide funding to implement the fiscal year 2013 agreement. The fiscal year 2013 agreement contains no change in compensation from the 2009-2011 agreement; therefore, no additional funding is appropriated.

**Sec. 502.** 2011 c 367 s 503 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENTS--WSP LIEUTENANTS ASSOCIATION**

(1) No agreement has been reached between the governor and the Washington state patrol lieutenant's association under chapter 41.56 RCW for ~~((the 2011-2013 fiscal biennium))~~ fiscal year 2012. Appropriations for the Washington state patrol in this act are sufficient to fund the provisions of the 2009-2011 agreement.

(2) An agreement has been reached between the governor and the Washington state patrol lieutenants association under chapter 41.56 RCW for fiscal year 2013. Appropriations for the Washington state patrol in this act provide funding to implement the fiscal year 2013 agreement. The fiscal year 2013 agreement contains no change in compensation from the 2009-2011 agreement; therefore, no additional funding is appropriated.

**Sec. 503.** 2011 c 367 s 505 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS--TERMS AND CONDITIONS**

No agreement has been reached between the governor and the masters, mates, and pilots marine operations watch supervisors under chapter 47.64 RCW for the 2011-2013 fiscal biennium. Appropriations in this act reflect funding to maintain the provisions or terms and conditions of the 2009-2011 agreements for fiscal year 2012. Fiscal year 2013 appropriations are reduced to reflect a 6.0 percent temporary salary reduction effective July 1, 2012, through June 29, 2013, a reduction to overtime calculation, reduced vacation accruals, and other management priorities in collective bargaining. Effective June 30, 2013, the salary schedules effective July 1, 2009, through June 30, 2011, will be reinstated.

**NEW SECTION. Sec. 504.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**EMPLOYEE HEALTH INSURANCE**

Motor Vehicle Account--State Appropriation ..... (\$2,000)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a reduction in employee health insurance funding rate as described in section 9. of the 2012 supplemental omnibus operating budget, effective July 1, 2012, through June 30, 2013, for employees of the legislative branch.

(2) The appropriation from funds and accounts must be made in the amounts specified and from the funds and accounts specified in OFM Document 2011-INS-01 dated November 21, 2012.

**NEW SECTION. Sec. 505. TRANSPORTATION EMPLOYEES--COMPENSATION**

The following acts or parts of acts are each repealed:

(1) 2011 1st sp.s. c 50 s 718 (uncodified) (FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEES--RETIREMENT SYSTEM CONTRIBUTIONS);

(2) 2011 1st sp.s. c 50 s 719 (uncodified) (FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEES--RETIREMENT SYSTEM CONTRIBUTIONS);

(3) 2011 1st sp.s. c 50 s 720 (uncodified) (FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEE SALARY REDUCTIONS); and

(4) 2011 1st sp.s. c 50 s 721 (uncodified) (FOR THE OFFICE OF FINANCIAL MANAGEMENT--TRANSPORTATION EMPLOYEES RETIREMENT SYSTEM CONTRIBUTIONS).

**IMPLEMENTING PROVISIONS**

**NEW SECTION. Sec. 601.** A new section is added to chapter 47.76 RCW to read as follows:

Funds deemed by the department of transportation, in consultation with relevant port districts, to be in excess of current operating needs or capital reserves of the grain train program may be transferred from the miscellaneous program account to the essential rail assistance account created in RCW 47.76.250 for the purpose of sustaining the grain train program.

**Sec. 602.** 2011 c 367 s 608 (uncodified) is amended to read as follows:

**STAFFING LEVELS**

(1) As the department of transportation completes delivery of the projects funded by the 2003 and 2005 transportation revenue packages, it is clear that the current staffing levels necessary to deliver these projects are not sustainable into the future. Therefore, the department is directed to quickly move forward to develop and implement new business practices so that a smaller, more nimble state workforce can effectively and efficiently deliver transportation improvement programs as they are approved in the future, in strong partnership with the private sector, while protecting the public's interests and assets.

(2) To this end, the department of transportation is directed to reduce the size of its engineering and technical workforce to a level sustained by current law revenue levels currently estimated at two thousand FTEs by the end of the 2013-2015 fiscal biennium. The department's current two thousand eight hundred FTE engineering and technical workforce levels for highway construction will be reduced in the 2011-2013 fiscal biennium, with a target of two thousand four hundred FTEs by June 30, 2013, and to a level of two thousand FTEs by June 30, 2015.

(3) In order to successfully deliver the highway construction program as funded, the department of transportation may continue to contract out engineering and technical services. In addition, the department may continue the incentive program for retirements and employee separations. ~~((The department shall report quarterly to the office of financial management and the transportation committees of the legislature on its progress and plans to reduce highway construction workforce levels to two thousand FTEs by June 2015. This report must also be posted on the department's web site.))~~

(4) The department of transportation is directed to reduce the size of its administrative operating programs for the 2013-2015 biennium. As part of the department's biennial budget submittal, the department shall reduce its workforce in Programs C, H, T, and S by five to seven percent. The ratio of executive management service or Washington management services employee staff must be at least seven staff for every manager by the end of the 2013-2015 biennium.

**Sec. 603.** 2011 c 367 s 603 (uncodified) is amended to read as follows:

**FUND TRANSFERS**

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(1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document ((2011-4)) 2012-2 as developed ((April 19, 2011)) February 21, 2012, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 account (nickel account) projects on the LEAP transportation documents referenced in this act. For the 2009-2011 and 2011-2013 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations, or transportation partnership account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2012 supplemental transportation budget, any unexpended 2009-2011 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects;

(d) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed to complete the project;

(e) Transfers may not occur for projects not identified on the applicable project list;

(f) Transfers may not be made while the legislature is in session; and

(g) Transfers between projects may be made by the department of transportation until the transfer amount by project exceeds two hundred fifty thousand dollars, or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of financial management and the chairs of the house of representatives and senate transportation committees.

(2) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner.

(4) The office of financial management shall document approved transfers and schedule changes in the transportation executive information system, compare changes to the legislative baseline funding and schedules identified by project identification number identified in the LEAP transportation documents referenced in this act, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

**NEW SECTION. Sec. 604.** A new section is added to 2011 c 367 (uncodified) to read as follows:

The department of transportation may provide up to \$163,000 in toll credits to the Port of Kingston for its role in the new passenger-only ferry service and ferry corridor-related projects.

The number of toll credits provided to the Port of Kingston must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but shall not exceed the amount authorized in this section.

**CONDITIONALLY ADDITIVE APPROPRIATIONS**

**NEW SECTION. Sec. 701.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE PATROL**

|   |                    |
|---|--------------------|
| State Patrol Highway Account--State Appropriation ..... | \$5,642,000        |
| Highway Safety Account--State Appropriation.....        | \$3,500,000        |
| <b>TOTAL APPROPRIATION.....</b>                         | <b>\$9,142,000</b> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,642,000 of the state patrol highway account--state appropriation is provided solely for the auto theft investigation units in King county, the city of Spokane, and the city of Tacoma.

(2) \$4,000,000 of state patrol highway account--state appropriation and the entire highway safety account--state appropriation is provided solely for equipment acquisition, installation, integration, and financing needs associated with the conversion of the existing communication system to narrowbanding as required by the federal communications commission.

**NEW SECTION. Sec. 702.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD--CAPITAL**

|  |             |
|--|-------------|
| Highway Safety Account--State Appropriation..... | \$3,000,000 |
|--|-------------|

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the county arterial preservation program to help counties meet urgent preservation needs.

**NEW SECTION. Sec. 703.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD--CAPITAL**

|  |             |
|--|-------------|
| Highway Safety Account--State Appropriation..... | \$3,000,000 |
|--|-------------|

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,700,000 of the highway safety account--state appropriation is provided solely for the urban arterial program to help cities meet urgent preservation and storm water needs.

(2) \$300,000 of the highway safety account--state appropriation is provided solely for the small city pavement program to help cities meet urgent preservation and storm water needs.

**NEW SECTION. Sec. 704.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

|  |             |
|--|-------------|
| Motor Vehicle Account--State Appropriation ..... | \$8,000,000 |
|--|-------------|

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to advance the design, preliminary engineering, and rights-of-way acquisition for the priority projects identified in LEAP Transportation Document 2012-3 as developed February 21, 2012. Funds must be used to advance the emergent, initial development of these projects for the purpose of expediting delivery of the associated major investments when funding for such investments becomes available. Funding may be reallocated between projects to maximize the accomplishment of design and preliminary engineering work and rights- of-way acquisition, provided that all projects are addressed. It is the intent of the legislature that, while seeking to maximize the outcomes in this section, the department shall utilize an approach that ensures private sector general

engineering consultant participation, continuity of personnel, and consistency with the department's business plan for reducing staffing in the highway construction program in the current and next biennia.

**NEW SECTION. Sec. 705.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Highway Safety Account--State Appropriation.....\$3,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to further reduce the highway maintenance backlog in order to maintain or increase levels of service.

**NEW SECTION. Sec. 706.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Highway Safety Account--State Appropriation.....\$3,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for urgent preservation needs on the state highway system.

**NEW SECTION. Sec. 707.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE STATE TREASURER: FOR DISTRIBUTION TO TRANSIT ENTITIES**

Multimodal Transportation Account--State Appropriation\$3,500,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section must be distributed statewide to transit authorities according to the distribution formula in subsection (2) of this section. Funding must be used for operations.

(2) Of the amounts provided in this section:

(a) One-third must be distributed based on vehicle miles of service provided;

(b) One-third must be distributed based on the number of vehicle hours of service provided; and

(c) One-third must be distributed based on the number of passenger trips.

(3) For the purposes of this section:

(a) "Transit authorities" has the same meaning as in RCW 9.91.025(2)(c).

(b) "Vehicle miles of service," "vehicle hours of service," and "passenger trips" are transit service metrics as reported by the public transportation program of the department of transportation in the annual report required in RCW 35.58.2796 for calendar year 2010.

**NEW SECTION. Sec. 708.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Highway Safety Account--State Appropriation.....\$6,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the purchase of fuel for marine operations.

**NEW SECTION. Sec. 709.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Transportation 2003 Account

(Nickel Account)--State Appropriation.....\$130,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the purposes of constructing a ferry boat vessel with a carrying capacity of at least one hundred forty-four cars.

(2) The appropriation in this section includes up to \$130,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

**NEW SECTION. Sec. 710.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z-- CAPITAL**

Highway Safety Account--State Appropriation.....\$3,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the highway safety account--state appropriation is provided solely to the freight mobility strategic investment board for grants to meet urgent freight corridor improvement and preservation needs, including advancing projects that are identified in LEAP Transportation Document 2012-2 ALL PROJECTS as developed February 21, 2012, and for other projects that meet the board's criteria.

(2) \$2,000,000 of the highway safety account--state appropriation is provided solely for safe routes to schools program projects, in rank order, and identified as contingency projects in the LEAP Transportation Document 2011-A, pedestrian and bicycle safety program projects and safe routes to school program projects, referenced in chapter 367, Laws of 2011 (the omnibus transportation appropriations act).

**NEW SECTION. Sec. 711.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account--State Appropriation .....\$6,500,000

**NEW SECTION. Sec. 712.** A new section is added to 2011 c 367 (uncodified) to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation 2003 Account (Nickel Account)--State Appropriation.....\$58,000

**NEW SECTION. Sec. 713.** Sections 701 through 708 and 710 of this act take effect November 1, 2012.

**NEW SECTION. Sec. 714.** Sections 709, 711, and 712 of this act take effect July 1, 2012.

**NEW SECTION. Sec. 715.** If chapter ... (Engrossed Substitute Senate Bill No. 6150), Laws of 2012 is not enacted by June 30, 2012, the appropriations in sections 702, 703, 705, 706, 708, and 710(1) of this act are null and void.

**NEW SECTION. Sec. 716.** If chapter ... (Engrossed Substitute Senate Bill No. 6455), Laws of 2012 is not enacted by June 30, 2012, the appropriations in sections 701, 704, 707, 709, 710(2), 711, and 712 of this act are null and void.

**MISCELLANEOUS**

**NEW SECTION. Sec. 801.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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NEW SECTION. Sec. 802. Except for sections 701 through 712 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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MOTION

Senator Benton moved that the following amendment by Senators Benton, Haugen and King to the striking amendment be adopted:

On page 10, after line 2 of the amendment, insert the following:
"(6) The Columbia River Crossing bridge project is a major initiative to address congestion problems on I-5 between Portland, Oregon and Vancouver, Washington that requires support by not only the Governors of both states but the Legislatures as well. The joint transportation committee must convene a subcommittee for legislative oversight of the I-5/Columbia River Crossing bridge replacement project. The Columbia River Crossing legislative oversight subcommittee will be made up of six members, two appointed by the chair and ranking member of the Senate transportation committee, two appointed by the chair and ranking member of the House transportation committee, one designee of the Governor, and one citizen jointly appointed by the four members of the joint transportation executive committee. The citizen appointee must be a Washington state resident of the area served by the bridge. At least two of the legislative members must be from the legislative districts served by the bridge. In addition to reviewing project and financing information, the subcommittee must also coordinate with the Oregon legislative oversight committee for the Columbia River Crossing bridge."

On page 49, after line 12 of the amendment, insert the following:

"(c) The Washington state department of transportation budget includes resources to continue work on solutions that advance the Columbia River Crossing project to completion of the required environmental impact statement. The department must report to the Columbia River Crossing legislative oversight subcommittee of the joint transportation committee, established in section 204(5) of this act, on the progress made on the Columbia River Crossing project at each meeting of the oversight committee. Reporting must include updated information on cost estimates, right-of-way purchases and procurement schedules, and financing plans for the Columbia River crossing project, including projected traffic volumes, fuel and gas price assumptions, toll rates, costs of toll collections, as well as potential need for general transportation funding. By January 1, 2013, the department shall provide to the oversight subcommittee of the joint transportation committee a phased master plan for the Columbia River crossing project."

Senators Benton, Haugen and King spoke in favor of adoption of the amendment to the striking amendment.

Senator Pridemore spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Haugen and

King on page 10, after line 2 to the striking amendment to Engrossed Substitute House Bill No. 2190.

The motion by Senator Benton carried and the amendment to the striking amendment was adopted by voice vote.

#### MOTION

Senator King moved that the following amendment by Senator King and others to the striking amendment be adopted:

On page 11, after line 28 of the amendment, insert the following:  
"Multimodal Transportation Account--State Appropriation  
..... \$132,000"

On page 11, line 30 of the amendment, strike "\$365,820,000" and insert "\$365,952,000"

On page 14, after line 7 of the amendment, insert the following:  
"(14) \$132,000 of the multimodal transportation account -- state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1820), Laws of 2012 (Blue Alert System). If chapter . . . (Engrossed Substitute House Bill 1820) Laws of 2012, is not enacted by June 30, 2012, the amount provided in this subsection lapses."

Senators King and Haugen spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King and others on page 11, after line 28 to the striking amendment to Engrossed Substitute House Bill No. 2190.

The motion by Senator King carried and the amendment to the striking amendment was adopted by voice vote.

#### MOTION

Senator Parlette moved that the following amendment by Senator Parlette and others to the striking amendment be adopted:

On page 24, after line 35 of the amendment, insert the following:

"(5) The legislature recognizes that the trail known as the Apple Capital Loop, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on existing state route number 28. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) Nos. 2-09-04537 and 2-09-04569 to Douglas county and the city of East Wenatchee is consistent with the public interest. The legislature directs the department to transfer the property to Douglas county and the city of East Wenatchee. The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes. Douglas county and the city of East Wenatchee must agree to accept responsibility for trail segments within their respective jurisdictions and sign an agreement with the state that the transfer of these parcels to their respective jurisdictions extinguishes any state obligations to improve, maintain, or be in any way responsible for these assets. The department shall not surplus any of the lands adjoining the trail until Douglas county and the city of East Wenatchee accomplish zoning and land use planning as they deem necessary, provided those updates are completed by January 1, 2014. The department shall report to the transportation committees of the legislature by June 30, 2013, and annually thereafter, on the status of the transfer until complete."

Senator Parlette spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette and others on

page 24, after line 35 to the striking amendment to Engrossed Substitute House Bill No. 2190.

The motion by Senator Parlette carried and the amendment to the striking amendment was adopted by voice vote.

#### MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes to the striking amendment be adopted:

On page 59, after line 37, insert the following:  
"(13) Consistent with RCW 47.60.662, which requires the Washington state ferry system to collaborate with passenger-only ferry and transit providers to provide service at existing terminals, the department shall ensure that multimodal access, including for passenger-only ferries and transit service providers, is maintained at or near the Seattle terminal and considered in any future modifications at the terminal. It is the intent of the legislature that the reasonable costs of developing, maintaining, and operating new passenger-only docking and boarding facilities at Colman dock shall be the responsibility of the regional and local agencies providing the service."

Senators Rolfes, Haugen and King spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rolfes on page 59, after line 37 to the striking amendment to Engrossed Substitute House Bill No. 2190.

The motion by Senator Rolfes carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen to Engrossed Substitute House Bill No. 2190 as amended.

Senator Haugen spoke in favor of adoption of the striking amendment.

The motion by Senator Haugen carried and the striking amendment as amended was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, strike the remainder of the title and insert "amending 2011 c 367 ss 101, 103, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 407, 502, 503, 505, 603, and 608 (uncodified); adding a new section to chapter 47.76 RCW; adding new sections to 2011 c 367 (uncodified); creating new sections; repealing 2011 1st sp.s. c 50 ss 718, 719, 720, and 721 (uncodified); making appropriations and authorizing expenditures for capital improvements; providing effective dates; and declaring an emergency."

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2190 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, King, Eide, Fain, Ranker and Hobbs spoke in favor of passage of the bill.

FIFTY EIGHTH DAY, MARCH 6, 2012

2012 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2190 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2190 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen, Holmquist Newbry, Padden, Pridemore and Stevens

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2190 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute House Bill No. 2190 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

February 27, 2012

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6257 with the following amendment(s): 6257.E AMH PSEP H4429.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.68A.101 and 2010 c 289 s 14 are each amended to read as follows:

(1) A person is guilty of promoting commercial sexual abuse of a minor if he or she knowingly advances commercial sexual abuse or a sexually explicit act of a minor or profits from a minor engaged in sexual conduct or a sexually explicit act.

(2) Promoting commercial sexual abuse of a minor is a class A felony.

(3) For the purposes of this section:

(a) A person "advances commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct or as a person engaged in commercial sexual abuse of a minor, he or she causes or aids a person to commit or engage in commercial sexual abuse of a minor, procures or solicits customers for commercial sexual abuse of a minor, provides persons or premises for the purposes of engaging in commercial sexual abuse of a minor, operates or assists in the operation of a house or enterprise for the purposes of engaging in commercial sexual abuse of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate an act or enterprise of commercial sexual abuse of a minor.

(b) A person "profits from commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or will participate in the proceeds of commercial sexual abuse of a minor.

(c) A person "advances a sexually explicit act of a minor" if he or she causes or aids a sexually explicit act of a minor, procures or solicits customers for a sexually explicit act of a minor, provides persons or premises for the purposes of a sexually explicit act of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate a sexually explicit act of a minor.

(d) A "sexually explicit act" is a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons and for which something of value is given or received.

(e) A "patron" is a person who pays or agrees to pay a fee to another person as compensation for a sexually explicit act of a minor or who solicits or requests a sexually explicit act of a minor in return for a fee.

(4) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

**Sec. 2.** RCW 9A.40.100 and 2011 c 111 s 1 are each amended to read as follows:

(1)(a) A person is guilty of trafficking in the first degree when:

(i) Such person:

(A) Recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act; or

(B) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i)(A) of this subsection; and

(ii) The acts or venture set forth in (a)(i) of this subsection:

(A) Involve committing or attempting to commit kidnapping;

(B) Involve a finding of sexual motivation under RCW 9.94A.835;

(C) Involve the illegal harvesting or sale of human organs; or

(D) Result in a death.

(b) Trafficking in the first degree is a class A felony.

(2)(a) A person is guilty of trafficking in the second degree when such person:

(i) Recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act; or

(ii) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i) of this subsection.

(b) Trafficking in the second degree is a class A felony.

(3) For purposes of this section, "sexually explicit act" means a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Roach moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6257.

Senator Roach spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6257.

The motion by Senator Roach carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6257 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6257, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6257, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SENATE BILL NO. 6257, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 2, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6386 with the following amendment(s): 6386-S AMH WAYS H4496.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that fraud associated with public assistance programs is a significant problem in the state of Washington. Therefore, the legislature encourages the office of fraud and accountability within the department of social and health services to coordinate with the office of the state auditor and the department of early learning to improve the prevention, detection, and prosecution of fraudulent activity taking place in public assistance programs. It is the purpose of this act to significantly reduce fraud and to ensure that public assistance dollars reach the intended populations in need.

**Sec. 2.** RCW 74.08.580 and 2011 1st sp.s. c 42 s 14 are each amended to read as follows:

(1) Any person receiving public assistance is prohibited from using electronic benefit cards or cash obtained with electronic benefit cards:

(a) For the purpose of participating in any of the activities authorized under chapter 9.46 RCW;

(b) For the purpose of parimutuel wagering authorized under chapter 67.16 RCW;

(c) To purchase lottery tickets or shares authorized under chapter 67.70 RCW;

(d) For the purpose of participating in or purchasing any activities located in a tattoo, body piercing, or body art shop licensed under chapter 18.300 RCW;

(e) To purchase cigarettes as defined in RCW 82.24.010 or tobacco products as defined in RCW 82.26.010;

(f) To purchase any items regulated under Title 66 RCW; or

(g) For the purpose of purchasing or participating in any activities in any location listed in subsection (2) of this section.

(2) On or before January 1, 2012, the businesses listed in this subsection must disable the ability of ATM and point-of-sale machines located on their business premises to accept the electronic benefit card. The following businesses are required to comply with this mandate:

(a) Taverns licensed under RCW 66.24.330;

(b) Beer/wine specialty stores licensed under RCW 66.24.371;

(c) Nightclubs licensed under RCW 66.24.600;

(d) Contract liquor stores defined under RCW 66.04.010;

(e) Bail bond agencies regulated under chapter 18.185 RCW;

(f) Gambling establishments licensed under chapter 9.46 RCW;

(g) Tattoo, body piercing, or body art shops regulated under chapter 18.300 RCW;

(h) Adult entertainment venues with performances that contain erotic material where minors under the age of eighteen are prohibited under RCW 9.68A.150; and

(i) Any establishments where persons under the age of eighteen are not permitted.

(3) The department must notify the licensing authority of any business listed in subsection (2) of this section that such business has continued to allow the use of the electronic benefit card in violation of subsection (2) of this section.

(4) Only the recipient, an eligible member of the household, or the recipient's authorized representative may use an electronic benefit card or the benefit and such use shall only be for the respective benefit program purposes. Unless a recipient's family member is an eligible member of the household, the recipient's authorized representative, an alternative cardholder, or has been assigned as a protective payee, no family member may use the benefit card. The recipient shall not sell, or attempt to sell, exchange, or donate an electronic benefit card or any benefits to any other person or entity.

(5) The first violation of subsection (1) (~~(or (4))~~) of this section by a recipient constitutes a class 4 civil infraction under RCW 7.80.120. Second and subsequent violations of subsection (1) (~~(or (4))~~) of this section constitute a class 3 civil infraction under RCW 7.80.120.

(a) The department shall notify, in writing, all recipients of electronic benefit cards that any violation of subsection (1) (~~(or (4))~~) of this section could result in legal proceedings and forfeiture of all cash public assistance.

(b) Whenever the department receives notice that a person has violated subsection (1) (~~(or (4))~~) of this section, the department shall notify the person in writing that the violation could result in legal proceedings and forfeiture of all cash public assistance.

(c) The department shall assign a protective payee to the person receiving public assistance who violates subsection (1) (~~(or (4))~~) of this section two or more times.

(6) In assigning a personal identification number to an electronic benefit card, the department shall not routinely use any sequence of numbers that appear on the card except in circumstances resulting from in-state or national disasters. Personal identification numbers assigned to electronic benefit cards issued to support the distribution of benefits when there is a disaster may include a sequence of numbers that appears on the card.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.08 RCW to read as follows:

A person who has in his or her possession or under his or her control electronic benefit cards issued in the names of two or more persons and who is not authorized by those persons to have any of the cards in his or her possession is guilty of a misdemeanor.

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**Sec. 4.** RCW 74.04.014 and 2011 1st sp.s. c 42 s 24 are each amended to read as follows:

(1) In carrying out the provisions of this chapter, the office of fraud and accountability shall have prompt access to all individuals, records, electronic data, reports, audits, reviews, documents, and other materials available to the department of revenue, department of labor and industries, department of early learning, employment security department, department of licensing, and any other government entity that can be used to help facilitate investigations of fraud or abuse as determined necessary by the director of the office of fraud and accountability.

(2) The investigator shall have access to all original child care records maintained by licensed and unlicensed child care providers with the consent of the provider or with a court order or valid search warrant.

(3) Information gathered by the department, the office, or the fraud ombudsman shall be safeguarded and remain confidential as required by applicable state or federal law. Whenever information or assistance requested under subsection (1) or (2) of this section is, in the judgment of the director, unreasonably refused or not provided, the director of the office of fraud and accountability must report the circumstances to the secretary immediately.

**Sec. 5.** RCW 43.215.135 and 2011 1st sp.s. c 42 s 11 are each amended to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures defined in RCW 74.08A.410 and the standards established in this section intended to promote continuity of care for children.

~~(2) ((As a condition of receiving a child care subsidy or a working connections child care subsidy, the applicant or recipient must seek child support enforcement services from the department of social and health services, division of child support, unless the department finds that the applicant or recipient has good cause not to cooperate.~~

~~(3))~~ (3) Except as provided in subsection ~~((4))~~ (3) of this section, an applicant or recipient of a child care subsidy or a working connections child care subsidy is eligible to receive that subsidy for six months before having to recertify his or her income eligibility. The six-month certification provision applies only if enrollments in the child care subsidy or working connections child care program are capped.

~~((4))~~ (3) Beginning in fiscal year 2011, for families with children enrolled in an early childhood education and assistance program, a head start program, or an early head start program, authorizations for the working connections child care subsidy shall be effective for twelve months unless a change in circumstances necessitates reauthorization sooner than twelve months.

~~((5))~~ (4) The department, in consultation with the department of social and health services, shall report to the legislature by September 1, 2011, with:

(a) An analysis of the impact of the twelve-month authorization period on the stability of child care, program costs, and administrative savings; and

(b) Recommendations for expanding the application of the twelve-month authorization period to additional populations of children in care."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Carrell moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6386.

Senator Carrell spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Carrell that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6386.

The motion by Senator Carrell carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6386 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6386, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6386, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 6386, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 2012

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6468 with the following amendment(s): 6468-S AMH WAYS H4495.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.10 RCW to read as follows:

The boards of regents of the University of Washington and Washington State University may each adopt a policy creating an operating funds investment account, and may each deposit public moneys from operating funds not needed for immediate expenditure into that investment account. If a board of regents adopts a policy and deposits public moneys in an operating funds investment account, the state investment board has the full power to invest or reinvest the operating funds investment account in a manner consistent with RCW 43.33A.140. Income derived from investments pursuant to this section shall be for the exclusive benefit of and shall be credited to the state university less the applicable allocations to the state investment board expense account pursuant to RCW 43.33A.160. Each operating funds investment account shall be considered an investment fund within the meaning of Article XXIX, section 1 of the state Constitution, for the purpose of determining eligible investments and deposits of the moneys therein.

**Sec. 2.** RCW 43.33A.150 and 2007 c 215 s 4 are each amended to read as follows:

(1) The state investment board shall prepare written reports at least quarterly summarizing the investment activities of the state

investment board, which reports shall be sent to the governor, the senate ways and means committee, the house appropriations committee, the department of retirement systems, and other agencies having a direct financial interest in the investment of funds by the board, and to other persons on written request. The state investment board shall provide information to the department of retirement systems necessary for the preparation of monthly reports.

(2) At least annually, the board shall report on the board's investment activities for the department of labor and industries' accident, medical aid, and reserve funds to the senate financial institutions and insurance committee, the senate economic development and labor committee, and the house commerce and labor committee, or appropriate successor committees.

(3) At least annually, the board shall report on the board's investment activities for the higher education permanent funds to the house capital budget committee and the senate ways and means committee.

(4) At least annually, the board shall report on the board's investment activities for the University of Washington and Washington State University operating funds investment accounts to the house ways and means committee and the senate ways and means committee.

NEW SECTION. **Sec. 3.** This act takes effect if the proposed amendment to Article XXIX, section 1 of the state Constitution (Senate Joint Resolution No. 8223) is validly submitted to and is approved and ratified by the voters at the next general election. If the proposed amendment is not approved and ratified, this act is void in its entirety."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Tom moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6468.

Senator Tom spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Tom that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6468.

The motion by Senator Tom carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6468 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6468, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6468, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Chase, Morton and Nelson

SUBSTITUTE SENATE BILL NO. 6468, as amended by the House, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 2, 2012

MR. PRESIDENT:

The House passed SENATE JOINT RESOLUTION NO. 8223 with the following amendment(s): 8223 AMH WAYS H4497.1

Beginning on page 1, after line 2, strike all material through "state." on page 2, line 1 and insert the following:

"THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XXIX, section 1 of the Constitution of the state of Washington to read as follows:

Article XXIX, section 1. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington(,);

(1) The moneys of any public pension or retirement fund, industrial insurance trust fund, or fund held in trust for the benefit of persons with developmental disabilities may be invested as authorized by law; and

(2) The public moneys of the University of Washington and Washington State University in investment funds specified by the legislature may be invested as authorized by law.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Tom moved that the Senate concur in the House amendment(s) to Senate Joint Resolution No. 8223.

Senator Tom spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Tom that the Senate concur in the House amendment(s) to Senate Joint Resolution No. 8223.

The motion by Senator Tom carried and the Senate concurred in the House amendment(s) to Senate Joint Resolution No. 8223 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8223, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8223, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brown, Carrell, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

FIFTY EIGHTH DAY, MARCH 6, 2012

2012 REGULAR SESSION

Voting nay: Senators Baumgartner, Chase, Ericksen and Nelson

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

SENATE JOINT RESOLUTION NO. 8223, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6486, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

MESSAGE FROM THE HOUSE

February 29, 2012

February 29, 2012

MR. PRESIDENT:

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6486 with the following amendment(s): 6486-S.E AMH WAYS H4516.1

The House passed SUBSTITUTE SENATE BILL NO. 6226 with the following amendment(s): 6226-S AMH WAYS H4514.1

Strike everything after the enacting clause and insert the following:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 41.56 RCW to read as follows:

"**Sec. 1.** RCW 43.215.135 and 2011 1st sp.s. c 42 s 11 are each amended to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter applies to postdoctoral and clinical employees as excluded in chapter 41.76 RCW at the University of Washington and at Washington State University.

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures defined in RCW 74.08A.410 and the standards established in this section intended to promote continuity of care for children.

NEW SECTION. **Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2012, in the omnibus appropriations act, this act is null and void."

(2) As a condition of receiving a child care subsidy or a working connections child care subsidy, the applicant or recipient must seek child support enforcement services from the department of social and health services, division of child support, unless the department finds that the applicant or recipient has good cause not to cooperate.

Correct the title.

(3) ~~((Except as provided in subsection (4) of this section, an applicant or recipient of a child care subsidy or a working connections child care subsidy is eligible to receive that subsidy for six months before having to recertify his or her income eligibility. The six-month certification provision applies only if enrollments in the child care subsidy or working connections child care program are capped.~~

and the same are herewith transmitted.

~~—(4)) Beginning in fiscal year ((2011, for families with children enrolled in an early childhood education and assistance program, a head start program, or an early head start program)) 2013, authorizations for the working connections child care subsidy shall be effective for twelve months unless a change in circumstances necessitates reauthorization sooner than twelve months. The twelve-month certification applies only if the enrollments in the child care subsidy or working connections child care program are capped.~~

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6486.

Senators Kohl-Welles, Frockt and Chase spoke in favor of the motion.

Senators Holmquist Newbry, King and Schoesler spoke against the motion.

MOTION

On motion of Senator Ericksen, Senator Pflug was excused.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6486.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6486 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6486, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6486, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin and Tom

~~((5) The department, in consultation with the department of social and health services, shall report to the legislature by September 1, 2011, with:~~

~~—(a) An analysis of the impact of the twelve-month authorization period on the stability of child care, program costs, and administrative savings; and~~

~~—(b) Recommendations for expanding the application of the twelve-month authorization period to additional populations of children in care.)~~

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.215 RCW to read as follows:

When an applicant or recipient applies for or receives working connections child care benefits, he or she is required to:

(1) Notify the department of social and health services, within five days, of any change in providers; and

(2) Notify the department of social and health services, within ten days, about any significant change related to the number of child

care hours the applicant or recipient needs, cost sharing, or eligibility.

NEW SECTION. Sec. 3. This act takes effect July 1, 2012." Correct the title. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Frockt moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6226.

Senator Frockt spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Frockt that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6226.

The motion by Senator Frockt carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6226 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6226, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6226, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Pflug

SUBSTITUTE SENATE BILL NO. 6226, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

On the afternoon of March 6, 2012, I briefly left the Senate to discuss matters with the Governor down in her office. I asked a colleague to excuse my absence but, with the press of business and volume of bills, he failed to excuse me. As a result, I missed voting on Substitute Senate Bill No. 6226. Child care issues are incredibly important to me; had I been available, I would certainly have voted in favor of this bill.

SENATOR PFLUG, 5<sup>th</sup> Legislative District

MOTION

At 3:40 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:02 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6608, by Senators Harper, Pflug, Frockt, Kline and Eide

Changing judicial stabilization trust account surcharges.

The measure was read the second time.

MOTION

On motion of Senator Harper, Substitute Senate Bill No. 6608 was not substituted for Senate Bill No. 6608 and the substitute bill was not adopted.

MOTION

Senator Padden moved that the following amendment by Senator Padden be adopted:

On page 3, beginning on line 12, strike all of section 2.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Padden and Harper spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 3, line 12 to Senate Bill No. 6608.

The motion by Senator Padden carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "3.62.060," strike "12.40.020,"

MOTION

On motion of Senator Harper, the rules were suspended, Engrossed Senate Bill No. 6608 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Hatfield, Senator Hobbs was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6608.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6608 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray,

FIFTY EIGHTH DAY, MARCH 6, 2012

2012 REGULAR SESSION

Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Baumgartner, Becker, Holmquist Newbry, Honeyford, King, Padden, Parlette, Schoesler and Stevens

Excused: Senator Hobbs

ENGROSSED SENATE BILL NO. 6608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator Pflug was excused.

MOTION

On motion of Senator Harper, Senator Hargrove was excused.

MOTION

At 5:15 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Wednesday, March 7, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



FIFTY EIGHTH DAY, MARCH 6, 2012

2012 REGULAR SESSION

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|         | Third Reading Final Passage .....            | 55         | 6242-S                | President Signed.....                   | 27 |
| 2373-S2 | Other Action.....                            | 10, 14     | 6254                  | President Signed.....                   | 27 |
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| 2799-S  | Introduction & 1 <sup>st</sup> Reading ..... | 2          |                       | Other Action .....                      | 56 |
|         | Messages .....                               | 1          | 6263-S2               | President Signed.....                   | 27 |
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| 5217-S  | President Signed.....                        | 27         | 6355-S                | President Signed.....                   | 27 |
| 5246-S  | President Signed.....                        | 27         | 6359-S                | President Signed.....                   | 27 |
| 5343-S2 | Final Passage as amended by House .....      | 4          | 6384-S                | President Signed.....                   | 27 |
|         | Messages .....                               | 3          | 6386-S                | Final Passage as amended by House ..... | 57 |
|         | Other Action.....                            | 3          |                       | Messages.....                           | 56 |
| 5661    | President Signed.....                        | 27         |                       | Other Action .....                      | 57 |
| 5982-S  | President Signed.....                        | 27         | 6403-S                | President Signed.....                   | 27 |
| 5995-S  | President Signed.....                        | 27         | 6412                  | President Signed.....                   | 27 |
| 5997-S  | President Signed.....                        | 27         | 6414-S                | President Signed.....                   | 27 |
| 6044-S  | Final Passage as amended by House .....      | 3          | 6444-S                | President Signed.....                   | 27 |
|         | Messages .....                               | 2          | 6468-S                | Final Passage as amended by House ..... | 58 |
|         | Other Action.....                            | 3          |                       | Messages.....                           | 57 |
| 6082    | Final Passage as amended by House .....      | 4          |                       | Other Action .....                      | 58 |
|         | Messages .....                               | 4          | 6486-S                | Final Passage as amended by House ..... | 59 |
|         | Other Action.....                            | 4          |                       | Messages.....                           | 59 |
| 6103-S  | Final Passage as amended by House .....      | 9          |                       | Other Action .....                      | 59 |
|         | Messages .....                               | 4          | 6508-S                | President Signed.....                   | 27 |
|         | Other Action.....                            | 9          | 6545                  | Messages.....                           | 15 |
| 6105-S  | President Signed.....                        | 27         | 6608                  | Other Action .....                      | 60 |
| 6116-S  | President Signed.....                        | 27         |                       | Second Reading .....                    | 60 |
| 6134    | President Signed.....                        | 27         |                       | Third Reading Final Passage.....        | 60 |
| 6138-S  | Final Passage as amended by House .....      | 16         | 8223                  | Final Passage as amended by House ..... | 59 |
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| 6155    | President Signed.....                        | 27         |                       | Introduced .....                        | 15 |
| 6223    | Messages .....                               | 15         | 9184 Larry Brown      | Confirmed .....                         | 1  |
| 6226-S  | Final Passage as amended by House .....      | 60         | 9188 Jorge Carrasco   | Confirmed .....                         | 2  |
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